

Education Council Meeting Packet

April 18, 2006 4:00 – 6:00 pm Morris Hall

Allan G. Bense Speaker

Dennis K. Baxley Council Chair



FLORIDA HOUSE OF REPRESENTATIVES

Allan G. Bense, Speaker

Education Council

Dennis Baxley Chair Ralph Arza Vice Chair

Meeting Agenda Monday, April 18, 2006 Morris Hall 4:00 – 6:00 PM

- I. Opening Remarks by Chair Baxley
- II. Roll Call
- III. Consideration of the following bill(s):

HB 403 CS School Attendance by McInvale

HB 513 CS Career and Professional Academies by Bilirakis

HB 535 CS School Safety by Bogdanoff

HB 679 CS Health-Related Education in the Public Schools by Sobel

HB 999 CS Suicide Prevention by Adams

HB 1065 CS Educational Opportunities for Children and Spouses of

deceased or Disabled Veterans and Servicemembers by Jordan

HB 1243 CS Education Personnel by Mahon

HB 1373 CS Supplemental Educational Services by Attkisson

HB 1419 Scuba Diving Instructional Facilities by Attkisson

HB 1619 CS District School Boards by Murzin

HB 7103 CS Charter Schools by Choice & Innovation Committee

IV. Closing Comments / Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 403 CS

School Attendance

SPONSOR(S): McInvale

TIED BILLS:

IDEN./SIM. BILLS: CS/SB 772

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	7 Y, 0 N, w/CS	Beagle	Mizereck
2) Juvenile Justice Committee	5 Y, 1 N	White	White
3) Education Appropriations Committee	16 Y, 0 N	Eggers	Hamon
4) Education Council		Beagle GB	Cobb Occ
5)			

SUMMARY ANALYSIS

Florida law enables a student to terminate school enrollment prior to high school graduation at age 16. Current law and State Board of Education (SBE) rule provide extensive procedures for the recording and enforcement of school attendance.

House bill 403 clarifies existing law by stating that students aged 16 or older remain subject to compulsory school attendance until a formal declaration of intent to terminate school enrollment is filed. The bill requires school districts to conduct an exit interview with each student who declares their intent to terminate school enrollment.

The bill authorizes district school boards to adopt attendance policies that allow accumulated unexcused tardies and early departures from school to be recorded as unexcused absences. The bill also authorizes district school boards to require referral to a school child study team (CST) when a student has fewer absences than currently required by law.

The bill provides that district school superintendents are responsible for supporting law enforcement efforts to enforce school attendance.

The bill revises the current list of interventions that may be implemented by CSTs by requiring three specific interventions, and making others optional.

The bill has an effective date of July 1, 2006.

This bill does not appear to have a fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. h0403f.EDC.doc STORAGE NAME:

DATE:

4/12/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill grants district school boards greater authority in adopting student attendance policies. The bill requires school districts to conduct exit interviews with students who declare their intent to terminate school enrollment.

B. EFFECT OF PROPOSED CHANGES:

ABSENCES AND TARDINESS:

Background Information:

Florida law grants district school boards authority to enforce attendance laws.¹ Section 1003.23(1) requires that attendance of all public K-12 students be recorded and reported. Public schools are required to record the daily presence, absence, or tardiness of each student and maintain attendance records during the 180 day school year.² However, there is no express guidance in law that grants school district's the authority to record unexcused accumulated tardies as unexcused absences.

Proposed Changes:

House bill 403 specifies that district school boards may establish student attendance policies that allow accumulated unexcused tardies and early departures from school to be counted as unexcused absences.

COMPULSORY SCHOOL ATTENDANCE:

Background Information:

Compulsory school attendance refers to the minimum and maximum ages in which students must attend school. Current Florida Law provides that the compulsory school attendance minimum age includes all children who are either six years of age, who will be six years old by February 1 of any school year, or who are older than six years of age but who have not attained the age of sixteen years.³

In Florida, a student may terminate school enrollment at age sixteen. Such students must file a formal declaration of intent to terminate enrollment with the district school board. The district must notify the student's parent upon receipt of the student's declaration. The student and the student's parent must sign an acknowledgment that terminating school enrollment is likely to impact the student's future earning potential.⁴

Current law states that "a student who attains age sixteen years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board." Some students simply stop attending school without filing a formal declaration. Districts have expressed concern that they are not specifically authorized to compel those students to formally withdraw.

¹ Section 1003.02(1)(b), F.S.

² State Board of Education Rule 6A-1.044, Pupil Attendance Records.

³ Section 1003.21(1)(a)1., F.S.

⁴ Section 1003.21(1)(c), F.S.

Proposed Changes:

The bill clarifies existing law by stating that public school students sixteen years of age or older who have not graduated from high school remain subject to compulsory school attendance until they file a formal declaration of intent to terminate school enrollment.

The bill also requires school districts to conduct an exit interview with each student who terminates school enrollment to ascertain the reasons for the student's decision and actions that could be taken to keep the student in school. The district must inform students of educational options that are available to continue their education. To provide policy makers with data on students' reasons for terminating school enrollment, each student must complete a survey designed by the DOE.

ENFORCEMENT OF SCHOOL ATTENDANCE:

Background information:

Florida law provides extensive measures for enforcing school attendance. Section 1003.26, F.S. grants district school superintendents the authority to enforce school attendance. Each superintendent is responsible for recommending attendance policies and procedures to the district school board. District attendance policies must include the following:⁶

- · Procedures for contacting parents regarding each student absence;
- Procedures for parents to justify each unexcused absence;
- Procedures for tracking student absences and identifying and preventing the development of patterns of nonattendance; and
- Procedures for referring a student's case to the school's child study team (CST) if the student is
 identified as having established a pattern of non-attendance (defined as five unexcused
 absences in a calendar month or ten unexcused absences in a ninety-day period).

Upon referring the case to a CST, the team meets with the student's parent to identify potential remedies for the student's nonattendance in school. If this initial meeting does not resolve the problem the CST must determine and implement appropriate interventions. After all reasonable measures by the CST to resolve the problem have failed the CST must contact the district superintendent.

Parents who refuse to participate in remedial strategies recommended by the CST may appeal to the district school board. If the board determines that the strategies proposed by the CST are appropriate, and the parent still refuses to cooperate, the school superintendent may seek criminal prosecution against the parent for noncompliance with compulsory school attendance.⁷

Similarly, students who refuse to comply with attempts to enforce school attendance must be referred by the district superintendent or student's parent to a Department of Juvenile Justice case staffing committee. The school superintendent may also file a truancy petition under s. 984.151, F.S.⁸

Section 1003.27, F.S. requires each school principal or designee to notify the district school board of each minor student accumulating 15 unexcused absences in a period of 90 calendar days or who drop

STORAGE NAME: DATE:

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⁶ Section 1003.26(1)(a),(b) and (c), F.S.

⁷ Section 1003.26(1)(e), F.S.

⁸ Section 984.151, F.S., permits the superintendent to file a truancy petition when the child has more than 15 unexcused absences in a 90-calendar-day period or after a CST has acted pursuant to s. 1003.26(1), F.S., and the child has either: (a) five unexcused absences, or absences for which the reasons are unknown within one calendar month; or (b) ten unexcused absences, or absences for which the reasons are unknown within a 90-calendar-day period. A court must hear the petition within 30 days and if it finds that a child has missed any of the alleged days, it must order the child to attend school and the parent/guardian to ensure such attendance. The court is also permitted to order other sanctions for the child and parent that include classes and counseling. The court is required to enforce parent/guardian compliance with its order through its contempt power. If a child fails to comply with the court's order, the child's case must be referred to a case staffing committee with a recommendation to file a child-in-need-of-services petition.

out of school. The district school superintendent must provide the names and identifying information of these students to the Department of Highway Safety and Motor Vehicles (DHSMV). DHSMV may not issue a driver license or learner permit, or may suspend the driving privileges of any reported student until the student has satisfied regular school attendance requirements as outlined in s. 322.091, F.S.⁹

Proposed Changes:

The bill provides that district school superintendents' responsibilities include supporting local law enforcement agencies in enforcing school attendance.

The bill specifies that district attendance policies may allow a student with a lesser number of absences than currently provided in law to be referred to a school CST. The bill also revises the current list of optional interventions and requires CSTs to implement:

- Frequent attempts to communicate with parents;
- · Evaluation of student for alternative education programs; and
- Attendance contracts.

The bill provides that a CST may implement other interventions to address a student's nonattendance, including referral to other agencies for family services and a recommendation that a truancy petition be filed by the superintendent.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.02, F.S.; providing that a school district may adopt school attendance policies that address accumulated tardies and count them as unexcused absences; providing that a school district may adopt policies regarding referral to a child study team.

Section 2. Amends s. 1003.21, F.S.; providing that students over age sixteen who have not graduated from high school remain subject to compulsory school attendance until they file a formal declaration of intent to terminate school enrollment.

Section 3. Amends 1003.26, F.S.; providing that district school superintendent responsibilities include supporting law enforcement efforts to enforce school attendance; revising required child study team interventions.

Section 4. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

Revenues:

9 Florida Department of Education, Attendance and Enrollment, Frequently Asked Questions available at http://www.fldoe.org/faq/faq.asp?Dept=107&Cat=54.

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006, the PreK-12 Committee adopted a strike-all amendment. The strike-all differs from the original bill as follows.

- The original bill amended s. 1003.21, F.S. authorizing a school district to raise the compulsory school attendance age to eighteen. The strike-all specifies that students sixteen years or older remain subject to compulsory school attendance until they file a formal declaration and adds exit interview procedures.
- The original bill amended s. 1003.23, F.S. to require that school attendance records document tardiness. The strike-all amends s. 1003.02 to authorize districts to adopt policies that address accumulated student tardiness and govern the timing for referring a student to a child study team.
- The original bill amended 1003.26, F.S. to remove enforcement of school attendance from superintendent's responsibilities. The strike-all restores this aspect of superintendent authority and adds the responsibility to support law enforcement agencies' enforcement of school attendance.
- Sections of the original bill that conformed cross references were removed.

This bill analysis reflects the bill as amended.

STORAGE NAME:

HB 403

2006 CS

CHAMBER ACTION

The PreK-12 Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to school attendance; amending s. 1003.02, F.S.; authorizing district school board attendance policies to allow accumulated tardies and early departures to be recorded as unexcused absences; authorizing district school board policies for student referral to a child study team under certain circumstances; amending s. 1003.21, F.S.; providing that students who have attained 16 years of age and have not graduated are subject to compulsory school attendance under certain circumstances; requiring student exit interviews prior to terminating school enrollment; amending s. 1003.26, F.S.; providing district school superintendent's responsibility to support local law enforcement agencies in enforcing school attendance; providing required and authorized child study team interventions; authorizing visits by school representatives; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida: Page 1 of 10

Section 1. Paragraph (b) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.--As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

- (1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:
- (b) Enforcement of attendance laws.--Provide for the enforcement of all laws and rules relating to the attendance of students at school. District school boards are authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences. District school boards are also authorized to establish policies

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that require referral to a school's child study team for

students who have fewer absences than the number required by s.

1003.26(1)(b).

Section 2. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.--

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(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's guidance counselor or other school personnel must conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and GED test preparation. Additionally, the student must complete a survey in

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a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

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Section 3. Section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance. -- The Legislature finds that poor academic performance is associated with nonattendance and that school districts schools must take an active role in promoting and enforcing attendance as a means of improving student the performance of many students. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board policies and procedures to ensure that require public schools to respond in a timely manner to every unexcused absence, and every or absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall must require the each parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature Page 4 of 10

finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE. --

- (a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.
- (b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school

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136	superintendent and the school district contact for home				
137	education programs that the referred student is exhibiting a				
138	pattern of nonattendance.				
139	(c) If an initial meeting does not resolve the problem,				
140	the child study team shall implement the following interventions				
141	that best address the problem. The interventions may include,				
142	but need not be limited to:				
143	1. Frequent attempts at communication between the teacher				
144	and the family \cdot				
145	2. Changes in the learning environment;				
146	3. Mentoring;				
147	7 4. Student counseling;				
148	5. Tutoring, including peer tutoring;				
149	6. Placement into different classes;				
150	$\frac{2.7.}{}$ Evaluation for alternative education programs.				
151	3.8. Attendance contracts.+				
152	9. Referral to other agencies for family services; or				
153	10. Other interventions, including, but not limited to, a				
154	truancy petition pursuant to s. 984.151.				
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156	The child study team may, but is not required to, implement				
157	other interventions, including referral to other agencies for				

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

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CODING: Words stricken are deletions; words underlined are additions.

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190 191 (e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the district school superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the Page 7 of 10

establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

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- If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).
- (g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or

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his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) GIVE WRITTEN NOTICE. --

- (a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, and may refer the case to the case staffing committee, established pursuant to s. 984.12. The district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.
- (b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.
- (3) RETURN STUDENT TO PARENT.--A designated school representative <u>may shall</u> visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall

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return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

- (4) REPORT TO APPROPRIATE AUTHORITY. -- A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.
- (5) RIGHT TO INSPECT.--A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.
 - Section 4. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 513 CS

Career and Professional Academies

SPONSOR(S): Bilirakis TIED BILLS:

IDEN./SIM. BILLS: SB 1480

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee	6 Y, 0 N, w/CS	Thomas	Ashworth
2) Education Appropriations Committee	13 Y, 0 N	Hamon	Hamon
3) Education Council		Thomas MOT	Cobb Cec
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SUMMARY ANALYSIS

The bill defines "career and professional academy" (CAP academy) as a research based program that integrates a rigorous and relevant academic curriculum with an industry-driven career curriculum offered by public schools, school districts, or the Florida Virtual School.

The bill requires that each CAP academy:

- Provides a rigorous standards-based academic curriculum integrated with a career curriculum;
- Includes one or more postsecondary or business partnerships;
- Provides creative and tailored student advisement and career counseling;
- Provides a career education certification on the high school diploma:
- Provides instruction in high growth, high demand, and high pay careers;
- Delivers academic content through career-relevant instruction:
- Offers applied courses that combine academic content with technical skills;
- Provides instruction resulting in certification or credentials in workplace skills;
- Provides opportunities for students to obtain a ready-to-work certification; and
- Includes an evaluation plan developed with the Department of Education.

The bill requires CAP academy applied courses combining academic content with technical skills to be submitted to the State Board of Education no later than five months before courses are offered. The State Board then has two months to approve or disapprove the courses.

The bill requires the Department of Education, in consultation with Workforce Florida, Inc., to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. CHOICE academies must meet all the goals and requirements for CAP academies. However, CHOICE academies must include partnerships with businesses and at least one postsecondary institution.

As provided in the General Appropriations Act, the bill authorizes one-time startup funds for school districts to develop CHOICE academies. See Fiscal Comments for further details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME:

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DATE:

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility – The bill provides an opportunity for students to graduate from high school capable of either entering into the workplace and/or furthering their education.

Empower families - The bill provides the opportunity for students who complete the career education program to be able to obtain and sustain a job and realize economic self-sufficiency.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Career education (a term often interchangeably used for vocational education, workforce education, or technical education) is critically important to Florida's students and to Florida's economic development. A significant percentage of Florida's students currently leave high school without adequate preparation to enter a career or continue into a technical center, community college or university program. Of every ten 9th graders, three students drop out and three of the remaining seven do not purse additional education; six students (60%) do not go to college. Only four out of the 10 (40%) attend college.¹ Reformed career education programs in the high school years would not only benefit the six students who do not attend college, but has the potential of benefiting all students.

Career Education Task Force

The Commissioner of Education was directed by the passing of HB 769 (Chapter 2004-357, L.O.F.) to convene a Career Education Task Force (Task Force) to investigate issues related to workforce or career education. The Task Force chaired by the Lieutenant Governor, held several meetings to discuss workforce related issues. The Task Force determined that greater focus on, and support of, career and professional education represents significant opportunities to make Florida's education system more effective. One of the areas that became a focal point of the Task Force was the importance of rigorous and relevant academic curriculum.

Certification on High School Diploma

Currently, school districts may establish career education programs; including career academies, career institutes, and industry certification programs, as well as career education courses that are general in nature and explore various occupations. Section 1003.431, F.S., provides that a career education certification may be placed on a student's diploma. The certification is designed to indicate that a student is prepared for both postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education (SBE) was given authority to adopt rules for a standard format for the career education certification. Currently, the SBE has not adopted rules for career education certification and no school districts have placed the career education certification on high school diplomas.

Industry Certification

Industry certification is an industry-based series of competencies needed to work successfully in a career area. The industry in many cases provides a defined process where the secondary vocational programs can certify that they meet a series of requirements in equipment, curriculum and educational staff requirements. The industry oversees the process and assures continued compliance with industry

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¹ Career and professional education: preparing Florida's Students for the Knowledge Economy, Council for Education Policy, Research and Improvement (CEPRI), September 2004

requirements for recertification at regular intervals. As of 2004, Florida school districts were offering 132 secondary programs that were industry-certified. In a 2004 survey conducted by DOE three types of industry certification for secondary vocational programs offered by the school districts were identified.

Industry Developed Curricula - Specific curricula is created by state or national professional organizations representing various industries. These curricula are based on standards that are recognized and approved by the industry.

Program Accreditation - Programs are accredited by a national accrediting body associated with a specific industry. That industry may also require a program to implement a specific curriculum.

Product Specific Certification - Programs are certified and associated with a specific vender or product. This type of certificate occurs mainly in the area of computer application and network support.

CHOICE Program Model

The CHOICE program engineered by Okaloosa school district engages students to pursue rigorous college preparatory level work while simultaneously preparing for high demand jobs with industry level certification. The CHOICE model provides a structure for organizing career training to ensure that outcomes are focused on viable occupations and industry needs and are based on career clusters as defined by the United States Department of Education (USDOE).² The CHOICE Program is outcomebased so that students achieve a high school diploma and industry certification for employment. movement into postsecondary training and college, or both.

Course Code Directory

The Department of Education approves courses for the succeeding school year no less than 180 days prior to that school year. In order for a student to meet graduation requirements, course requirements are set before the school year begins. Currently, school districts may propose a new course to be added to the Course Code Directory by submitting information and details on the course to the Department of Education. In November, information on the courses is presented to the State Board of Education who reviews and approves the Course Code Directory each year.

High School Graduation Requirements

Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits are distributed as follows:

- Four credits in English, with major concentration in literature & composition;
- Three credits in mathematics, 1 must be at Algebra I or higher level, or be a series of courses equivalent to Algebra I;
- Three credits in science, two of which must have a laboratory component;
- Three in social science; one in American history, 1 in world history, ½ in economics and ½ in American government:
- One credit in practical arts career education or one credit in performing fine arts;
- One-half credit in life management skills;
- One credit in physical education; and
- Eight and one-half elective credits.

Acceleration Mechanisms

Acceleration mechanisms serve to shorten the time necessary for students to complete the requirements for a high school diploma and postsecondary degree, broaden the scope of courses available to students, or increase the depth of study available for a particular subject. Acceleration mechanisms that are available to students in Florida include dual enrollment, advanced placement,

² www.careerclusters.org

early admission, credit by examination, the International Baccalaureate Program (IB), and the Advanced International Certificate of Education Program (AICE).

Statewide Articulation Agreement

Section 1007.23, F.S., requires the State Board of Education to establish a statewide articulation agreement, which is to include articulation between secondary and postsecondary education and the use of acceleration mechanisms.

High Skills, High Wage Job Projections

Section 216.136(a)2., F.S., requires the Workforce Estimating Conference to review data concerning the local and regional demands for short-term and long-term employment in high skills, high wage jobs, as well as other jobs. Data is generated through surveys conducted as part of the state's internetbased job matching and labor market information system authorized under s. 445.011, F.S. The Workforce Estimating Conference develops the official targeted occupations list based on industry and occupational employment projections and wages prepared by the Labor Market Statistics Office of the Florida Agency for Workforce Innovation. The Workforce Estimating Conference meets semi-annually and makes recommendations to Workforce Florida, Inc. for use as a guide for establishing regional targeted occupations lists.

Office of Program Policy Analysis and Government Accountability Research on Career Academies³ The Office of Program Policy Analysis and Government Accountability (OPPAGA) is currently compiling statewide information about career academies. Thirty-seven school districts identified 511 programs that used the term "career academy." OPPAGA received responses from 418 programs operating in 202 high schools and career centers. Of these 418 programs, 396 were operational in the 2004-2005 school year. The findings below relate to the 396 programs.

- Industry Certification 46% reported having some type of industry certification, either by preparing students through a curriculum that leads to industry certification or to sit for a certification exam; or employing teachers that hold industry certification; or having the career academy program itself industry certified.
- Internship 50% require all or some students to complete an internship.
- Business Support -Support is primarily through providing guest speakers, hosting field trips, and offering job support.
- Eligibility 69% reported having eligibility requirements for students to be admitted. These include minimum GPA, specific disciplinary record such as limited disciplinary referrals and/or suspensions: a specific attendance record: and/or a minimum FCAT score.
- Integration of Academic and Career Themes Most programs reported integrating both academic and career themes in their classrooms.
- Articulation with Postsecondary Institutions 74% reported having articulation agreements with postsecondary institutions; however, strong relationships do not appear to exist between the articulation agreements and academy themes.
- University and Scholarship Requirements
 - 81% reported that the course requirements meet the requirements for admission to the State University System.
 - o 70% reported that their course requirements meet the requirements for both Gold Seal Vocational Scholarships and Medallion/Academic Scholarships.

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³ Office of Program Policy Analysis and Government Accountability, Memorandum Regarding Programs Identified as Career Academies, March 6, 2006.

- 10% reported that their course requirements meet only Gold Seal requirements.
- 10% reported that their course requirements meet only Medallion/Academic Scholarship requirements.
- o 10% reported that they do not align their curriculum with Bright Futures program requirements.

Effect of Proposed Changes

The bill defines career and professional academies and sets goals and requirements for the academies. The bill creates a CHOICE academy project as one model of a career and professional academy.

CAREER AND PROFESSIONAL (CAP) ACADEMIES

The bill defines "career and professional academy" (CAP academy) as a research based program that integrates a rigorous academic curriculum with an industry-driven career curriculum offered by public school, school districts, or the Florida Virtual School. CAP academies may be offered as a schoolwithin-a-school career academy or a total school configuration providing multiple academies. Students who complete the program will receive:

- A standard high school diploma;
- · The highest available industry certification; and
- Postsecondary credit if the academy partners with a postsecondary institution.

The goals of the career and professional academies are to:

- Increase student achievement and graduation rates through integrated academic and career curricula.
- Focus on career preparation through rigorous academics, industry certification, and work ethics.
- Support high school graduation requirements, including any revised graduation requirements.
- Promote postsecondary credit while in high school.
- Meet industry needs for skilled employees.

Curriculum, Instruction, Academic Content, and Course Requirements

The bill requires that CAP academies provide a rigorous standard-based academic curriculum integrated with a career curriculum.

- Multiple styles of student learning must be considered.
- Learning must be promoted through application and adaptation.
- Relevance of the subject matter must be maximized.
- Each student's capacity to excel must be enhanced.
- Work habits and work ethics must be emphasized.

CAP academies are required to provide instruction in high growth, high demand and high pay careers as determined by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation. Instruction must result in competency, certification, or credentials in workplace skills, including communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the workplace and work ethics.

The bill requires CAP academies to deliver content through instruction relevant to the career. Intensive reading and mathematics intervention must also be delivered through instruction relevant to the career and an emphasis on strengthening reading for information skills must be included.

CAP academies must offer applied courses that combine academic content with technical skills. The courses must be approved or disapproved by the State Board of Education three months before the school term in which the courses are to be offered. Courses must be submitted to the Department of

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Education five months before. The Department of Education must present the courses to the State Board of Education three times each year.

Partnership Requirements

The bill requires that CAP academies include one or more partnerships with postsecondary institutions, local businesses or economic development organizations. The partnerships must provide opportunities

- Instruction for highly skilled professionals.
- Internships, externships, and on-the-job training.
- A postsecondary degree, diploma, or certificate.
- The highest available level of industry certification.
- Maximum articulation of credits as provided in the statewide articulation agreement upon completion of program.

Industry Certification Requirements

If an industry does not have a national or state certification process, school districts may establish a local certification working with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.

Student Advisement Requirements

The bill requires CAP academies to provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career exploration and education planning. Middle school students must be provided with information about secondary and postsecondary career education programs and CAP academies.

Evaluation Plan

Career academies must include an evaluation plan developed with the Department of Education. The evaluation plan must include a self-assessment tool based on standards and outcome measures including graduation rates, enrollment in postsecondary education, business and industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Other Requirements

The bill requires that CAP academies provide a career education certification on the high school diploma and provide opportunities for students to obtain a ready to work certification.

CAREER HIGH-SKILL OCCUPATIONAL INITIATIVE FOR CAREER EDUCATION (CHOICE) ACADEMY

The bill defines a Career High-Skill Occupational Initiative for Career Education (CHOICE) academy as a career and professional academy that offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma. The CHOICE academy must meet all of the requirements of CAP academies.

The bill requires the Department of Education (DOE) to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. The project must consist of a competitive process for selecting and designating school districts as participants and designates CHOICE academies within participating school districts. The bill requires DOE to consult with or work jointly with Workforce Florida, Inc., in the following areas:

- To establish standards for designating specific CHOICE academies in each participating school district.
- Provide technical assistance during the application process, in reorganizing career education, in developing CHOICE academies with appropriate career themes, and in developing funding plans.
- Develop evaluation criteria that must include increased academic performance of students and schools using school-level accountability data.

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DOE must also:

- Report to the State Board of Education annually on the CHOICE project, including participation, enrollment, completion, and outcome information. Outcomes may include continuing educational experiences of graduates, business satisfaction, job placement rates, and earnings of graduates.
- Promote CHOICE academies and provide planning and startup resources as available.
- Award one-time startup funds as provided in the General Appropriations Act.

Purpose of CHOICE Academies

The purpose of CHOICE academies is to

- Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to local in-demand career education;
- Build upon the state system of school improvement and education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized certification or credentials, and preparation for postsecondary educational experiences in related fields; and
- Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

Eligibility Criteria and Requirements for Participating School Districts

The bill authorizes DOE to establish application guidelines for an annual competitive process and eligibility criteria for school district participation. DOE, in consultation with Workforce Florida, Inc., and Enterprise Florida, Inc may designate as many school districts as it deems advisable each year. All school districts designated by the DOE may establish one or more CHOICE academies. Eligibility criteria for school district participation include:

- Willingness and ability of associated businesses or industries to form partnerships with and support CHOICE academies.
- Dedication of school district resources to CHOICE academies.

A participating school district must:

- Identify an appropriate location for classes.
- Ensure flexibility for CHOICE academy to respond to needs of students and businesses.
- Redirect appropriated funding to a CHOICE academy.
- Plan for sustaining the CHOICE academy without additional funding.

Partnership and Plan Requirements for CHOICE Academies

Eligibility criteria for designation of a CHOICE academy within a participating district require that the academy include business *and* postsecondary partnerships and a plan for sustaining the CHOICE academy. Business partnerships must exist with:

- · An associated business or industry; and
- A regional workforce board or the primary local economic development organization as recognized by Enterprise Florida, Inc.

The business partnership must be based on the connection with the academy's career theme and must involve future plans for improving the local economy. The business partner must be consulted during the planning stages of the CHOICE academy and provide support and resources for the CHOICE academy. The Consortium of Florida Education Foundations must also be consulted during the planning stages.

At least one partnership and an articulation agreement for credit must be established with a postsecondary institution.

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School districts that have previously received funding from Workforce Florida, Inc., including the Okaloosa County School District, for establishing CHOICE academies before July 1, 2006, will receive an expedited review for CHOICE academy designation.

C. SECTION DIRECTORY:

- Section 1 Creates s. 1003.493, F.S.; defining the term "career and professional academy"; providing academy goals and duties; providing ways of offering career and professional academies as small learning communities; requiring certain duties of career and professional academies.
- Section 2 Creates s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining CHOICE academies; providing purpose of CHOICE academies; providing duties of school districts and the department; providing for the award to certain school districts of startup funds for the development of Choice academies.
- Section 3 Amends s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to work with the Department of Education and Workforce Florida, Inc., in the designation of school districts as participants in the CHOICE project.
- Section 4 Amends s. 445.004, F.S.; authorizing Workforce Florida, Inc., to work with the Department of Education and Enterprise Florida, Inc., in the implementation of the CHOICE project.
- Section 5 Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

During the 2005 legislative session, \$6 million dollars was appropriated for the SUCCEED, Florida - Career Paths program to provide startup funds to design and implement career and professional academies for the 2005-06 school year. The funds were designed to offset planning and implementation costs for partnership between a school district school board and one or more businesses, industries or public postsecondary educational institutions to operate a career and professional academy. These funds were non-recurring state funds.

The Workforce Florida, Inc., in 2005-2006 provided CHOICE Career Institute grants in the amount of \$830,572 to four Regional Workforce Boards in conjunction with their respective five school boards districts to replicate the model developed and used by Okaloosa County School District. The bill provides that Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006 will receive an expedited review for CHOICE academy designation by the Department of Education.

The bill authorizes the Department of Education to award on a competitive basis one-time startup funds to school districts designated as participants in the CHOICE project for the development of CHOICE academies. School districts are authorized to establish one or more CHOICE academies without incentive funds. House Bill 5001, the proposed General Appropriations Act for 2006-07, appropriates \$3.9 million for the SUCCEED, Florida - Career Paths program for new career and professional academies similar to the CAP academies authorized in this bill and \$2.1 million to provide partial second year funding for recipients of SUCCEED, Florida - Career Paths funding in 2005-06.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Ap	oplicability	of Municipality	y/County I	Mandates	Provision:
N	one.				

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill gives no specific rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the Community College and Workforce Committee passed HB 513 with a Committee Substitute. The bill with the committee substitute differs from the original bill in the following ways:

- Clarified language for goals, requirements, and types of career and professional academies.
- Replaced core course substitution language with language requiring that State Board of Education approve or disapprove applied courses that combine academic content with technical skills.
- Set time lines for approval process of such applied courses.

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⁴ http://www.workforceflorida.com/wages/wfi/bcs/0602 calendar.htm

- Revised purpose of CHOICE academy.
- Authorized, rather than required, DOE to establish application guidelines.
- Removed provision for specific school district to serve in advisory role.
- Clarified eligibility criteria for CHOICE academy designation.
- Clarified and revised duties of participating school districts in CHOICE project.
- Deleted provision to establish comprehensive career academies.

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CHAMBER ACTION

The Community Colleges & Workforce Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to career and professional academies; creating s. 1003.493, F.S.; defining "career and professional academy"; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining "CHOICE academy" and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of

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Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.--

- (1) A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. Career and professional academies may be offered by public schools, school districts, or the Florida Virtual School. Students completing career and professional academy programs receive a standard high school diploma, the highest available industry certification, and postsecondary credit if the academy partners with a postsecondary institution.
 - (2) The goals of a career and professional academy are to:
- (a) Increase student academic achievement and graduation rates through integrated academic and career curricula.
- (b) Focus on career preparation through rigorous academics and industry certification.
- (c) Raise student aspiration and commitment to academic achievement and work ethics.
- (d) Support graduation requirements by providing creative, applied majors as provided by law.
- (e) Promote acceleration mechanisms, such as dual
 enrollment, articulated credit, or occupational completion
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51 points, so that students may earn postsecondary credit while in 52 high school.

- (f) Support the state's economy by meeting industry needs for skilled employees in high-demand occupations.
- (3) A career and professional academy may be offered as one of the following small learning communities:
- (a) A school-within-a-school career academy, as part of an existing high school, that provides courses in one occupational cluster. Students in the high school are not required to be students in the academy.
- (b) A total school configuration providing multiple academies, each structured around an occupational cluster. Every student in the school is in an academy.
 - (4) Each career and professional academy must:
- (a) Provide a rigorous standards-based academic curriculum integrated with a career curriculum. The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.
- (b) Include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships must provide opportunities for:
 - 1. Instruction from highly skilled professionals.
- 78 2. Internships, externships, and on-the-job training.
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3. A postsecondary degree, diploma, or certificate. 79

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- The highest available level of industry certification. Where no national or state certification exists, school districts may establish a local certification in conjunction with the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.
- 5. Maximum articulation of credits pursuant to s. 1007.23 upon program completion.
- (c) Provide creative and tailored student advisement, including parent participation and coordination with middle schools to provide career exploration and education planning. Coordination with middle schools must provide information to middle school students about secondary and postsecondary career education programs and academies.
- Provide a career education certification on the high (d) school diploma pursuant to s. 1003.431.
- Provide instruction in careers designated as high (e) growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation.
- (f) Deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention, with an emphasis on strengthening reading for information skills.
- (g) Offer applied courses that combine academic content with technical skills. Such courses must be submitted to the Department of Education no later than 5 months before the beginning of the school term in which such courses are planned Page 4 of 10

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to be offered. The State Board of Education must approve or disapprove courses no later than 3 months before the beginning of the school term in which such courses are planned to be offered. The department shall present new courses to the state board for approval a minimum of three times annually.

- (h) Provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decisionmaking skills, the importance of attendance and timeliness in the work environment, and work ethics.
- (i) Provide opportunities for students to obtain the Florida Ready to Work Certification as provided by law.
- (j) Include an evaluation plan developed jointly with the Department of Education. The evaluation plan must include a self-assessment tool based on standards, such as the Career Academy National Standards of Practice, and outcome measures including, but not limited to, graduation rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, achievement of industry certification, awards of postsecondary credit, and FCAT achievement levels and learning gains.

Section 2. Section 1003.494, Florida Statutes, is created to read:

1003.494 Career High-Skill Occupational Initiative for Career Education (CHOICE) academies.--

(1) The Department of Education shall establish a Career

High-Skill Occupational Initiative for Career Education (CHOICE)

project. The project shall consist of a competitive process for

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selecting and designating school districts as participants in 135 the project and designating CHOICE academies within 136 participating school districts. 137

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- (2) A "CHOICE academy" is a career and professional academy that meets the goals and requirements specified in s. 1003.493 and offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma. Existing career education courses may serve as a foundation for the creation of a CHOICE academy.
 - (3) The purposes of a CHOICE academy are to:
- (a) Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to in-demand career education as identified by such organizations in the local community.
- Build upon the state system of school improvement and (b) education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized certification or credentials, and preparation for postsecondary educational experiences in related fields.
- Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.
- The Department of Education may establish application quidelines for an annual competitive process and eligibility criteria for school district participation. A school district may apply to the department for designation as a CHOICE project

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participating district, and the department, in consultation with
Workforce Florida, Inc., and Enterprise Florida, Inc., may
designate as many school districts as it deems advisable each
year. Eligibility criteria for designation of a school district
as a CHOICE project participant shall include, but not be

limited to:

- (a) The willingness and ability of associated businesses or industries to form partnerships with and support CHOICE academies.
- (b) The dedication of school district resources to CHOICE academies.
- (5) The Department of Education, in consultation with Workforce Florida, Inc., shall establish standards for designating specific CHOICE academies in each participating school district. A participating school district may apply to the department for designation of a CHOICE academy within the district. Eligibility criteria for such designation shall include, but not be limited to:
- (a) Partnerships with an associated business or industry and a regional workforce board or the primary local economic development organization in the county as recognized by Enterprise Florida, Inc. The partnership of the business or industry with the CHOICE academy must be based on the connection of the business or industry with the academy's career theme and must involve future plans for improving the local economy. The business or industry partner must be consulted during the planning stages of a CHOICE academy and provide business or industry support and resources devoted to the CHOICE academy.

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The Consortium of Florida Education Foundations or a designee

must also be consulted during the planning stages of a CHOICE

academy and may provide support and resources devoted to the

CHOICE academy.

(b) At least one established partnership and an

articulation agreement for credit with a postsecondary

(c) A plan for sustaining the CHOICE academy.

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institution.

The Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006, shall receive an expedited review for CHOICE academy designation by the department.

- (6) A participating school district shall:
- (a) Identify an appropriate location for classes.
- (b) Ensure that a CHOICE academy is flexible enough to respond both to the needs and abilities of students and to the needs of associated businesses or industries.
- (c) Redirect appropriated funding from ongoing activities to a CHOICE academy.
- (d) Plan for sustaining a CHOICE academy as an ongoing program without additional funding.
 - (7) The Department of Education shall:
- (a) With assistance from Workforce Florida, Inc., provide technical assistance to participating school districts in submitting applications for designation of specific CHOICE academies located in specific schools in the school district,

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reorganizing career education opportunities, developing CHOICE

academies with career themes in areas deemed appropriate by

Workforce Florida, Inc., or local economic development

organizations, and developing funding plans.

- (b) Jointly with Workforce Florida, Inc., and in consultation with school districts, develop evaluation criteria for CHOICE academies. Such criteria shall include increased academic performance of students and schools using school-level accountability data.
- (c) Report to the State Board of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1 of each year on school district participation in the CHOICE project, designated CHOICE academies with enrollment and completion data for such academies, and appropriate outcomes for students who have completed a CHOICE academy program. Such outcomes may include continuing educational experiences of CHOICE academy graduates, business or industry satisfaction with the CHOICE academies, placement of CHOICE academy graduates in employment, and earnings of such graduates.
- (d) Promote CHOICE academies and provide planning and startup resources as available.
- (8) As provided in the General Appropriations Act, the Department of Education shall award one-time startup funds to school districts designated as participants in the CHOICE project for the development of CHOICE academies. All school districts designated by the department are authorized to establish one or more CHOICE academies without incentive funds.

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G.
Section 3. Subsection (7) is added to section 288.9015,
Florida Statutes, to read:
288.9015 Enterprise Florida, Inc.; purpose; duties
(7) Enterprise Florida, Inc., shall work with the
Department of Education and Workforce Florida, Inc., in the
designation of school districts as participants in the CHOICE
project pursuant to s. 1003.494.
Section 4. Paragraph (i) is added to subsection (5) of
section 445.004, Florida Statutes, to read:
445.004 Workforce Florida, Inc.; creation; purpose;
membership; duties and powers
(5) Workforce Florida, Inc., shall have all the powers and
authority, not explicitly prohibited by statute, necessary or
convenient to carry out and effectuate the purposes as
determined by statute, Pub. L. No. 105-220, and the Governor, as
well as its functions, duties, and responsibilities, including,

- (i) Working with the Department of Education and Enterprise Florida, Inc., in the implementation of the CHOICE project pursuant to s. 1003.494.
- Section 5. This act shall take effect July 1, 2006.

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but not limited to, the following:

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 535 CS

School Safety

SPONSOR(S): Bogdanoff and others

TIED BILLS:

IDEN./SIM. BILLS: SB 1384

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	6 Y, 3 N, w/CS	Beagle	Mizereck
2) Juvenile Justice Committee	4 Y, 0 N	White	White
3) Education Appropriations Committee	11 Y, 2 N	Eggers	Hamon
4) Education Council		Beagle 6B	Cobb Oce
5)			

SUMMARY ANALYSIS

Current Florida law requires school districts to develop student safety and discipline policies. Within the requirements prescribed by law, school districts have considerable discretion as to the contents of these policies. There is no statewide mandate that school districts adopt policies that explicitly prohibit bullying and harassment.

House Bill 535 prohibits bullying and harassment of students in Florida schools, and requires school districts to adopt policies for enforcing this prohibition. The bill defines bullying and harassment, and sets forth specific minimum requirements for school district policies.

The bill has a minimal fiscal impact on school districts. See FISCAL COMMENTS.

The bill takes effect on upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: DATE:

h0535f.EDC.doc 4/12/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government— The bill requires local school districts to adopt policies prohibiting bullying and harassment.

Promote Personal Responsibility-- The bill requires local school districts to establish punishments and interventions for dealing with perpetrators of bullying or harassment.

Safeguard Individual Liberty— The bill reduces the likelihood that bullying and harassment will interfere with students' learning and social development.

Empower Families-- The bill requires school authorities to report all actions taken to protect a victim of bullying and harassment to the victim's parents.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Student Discipline and School Safety

Florida law requires district school boards to establish student safety and discipline policies governing student conduct on school grounds, at school sponsored activities, and on school buses. Subject to certain requirements, school districts retain considerable flexibility in formulating student discipline policies. Policies must address several issues including:

- A code of student conduct that clearly explains the rights and responsibilities of students regarding respect for persons and property.
- Prohibition against student possession of a firearm or weapon on school grounds or at school sponsored activities and notice to students that violation of this provision may result in expulsion and referral to a criminal or juvenile justice facility.
- Notice that student acts of prohibited behavior at school, on a school bus, at a school bus stop, sexual harassment, and violence against any school district employee are subject to disciplinary action.
- Policies for assigning a violent or disruptive student to an alternative program.
- Consistent policies and procedures for dealing with prohibited acts, including imposition of criminal penalties.

Additionally, Florida law² and State Board of Education Rule (SBE)³ require district school boards to adopt a zero tolerance policy for violent crime, victimization, and substance abuse. District school boards must ensure that students found to have committed certain offenses receive the most severe penalties available under district school board policy.⁴ Likewise, district school boards are authorized to attach more severe consequences to disciplinary violations motivated by hostility towards a victim's gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.⁵ School officials are required to protect students who are victimized by violent crime, including notifying a victim's

¹ Section 1006.07, F.S.

² Section 1006.13, F.S.

³ State Board of Education Rule 6A-1.0404.

parents that an incident has occurred and of the victim's right to press charges, transferring the perpetrator to another school in the district, and banning the perpetrator from riding the same school bus as the victim.⁶

Florida law assigns specific duties relating to the enforcement of student discipline to certain school district personnel. These duties include:

- District school superintendents are required to recommend student safety and discipline policies to the district school board.⁷
- School principals must collaborate with teachers to establish and enforce classroom rules for student conduct and procedures for disciplinary referrals.⁸
- School principals must comply with certain requirements for reporting incidents of student misconduct.⁹ The School Environmental Safety Incident Reporting System (SESIR)¹⁰ requires schools to report serious safety incidents involving students that occur on school grounds, on school transportation, or off-campus at school-sponsored events. School-level data is compiled at the district-level and reported to the Department of Education (DOE).
- School bus drivers are responsible for maintaining order and security on district buses.¹¹

Bullying and Harassment

The U.S. Department of Education (U.S. DOE) reports that 7% of students aged 12-18 reported being bullied at school in 2003. State anti-bullying legislation has gained in prevalence since a rash of highly publicized school shootings in the late 1990s. Currently, several states have enacted anti-bullying legislation. These states include Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Louisiana, Maine, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington and West Virginia. 14

Current Florida law does not require school districts to implement a district-wide anti-bullying and harassment policy. According to the DOE, 33 Florida school districts have implemented bullying prevention programs. ¹⁵

- Aggression Replacement Training (ART) Hernando;
- Aggressors, Victims, Bystanders Brevard, Collier, Columbia, DeSoto, Dixie, Escambia, FAU
 Lab School, Flagler, Glades, Lafayette, Levy, Manatee, Okaloosa, Palm Beach, Pinellas, Santa
 Rosa, Sarasota, St. Lucie, Union, and Volusia;
- Bullying Prevention (Olweus) FAU Lab School, Orange, Pasco, Pinellas, Sarasota, Seminole, and Sumter:
- Bully-Proofing Your School Brevard and Volusia;
- Bullying Safe Lee:
- Foundations: Creating Safe and Civil Schools Clay and Duval;
- PATHS Okaloosa;

6 Section 1006.13(1)(b), (5), F.S.

7 Section 1006.08, F.S.

8 Section 1006.09, F.S.

9 Section 1001.54(3), F.S. and s. 1006.09(6), F.S.

10 Florida Department of Education, The School Environmental Safety Incident Reporting System (SESIR) District and Statewide Reports, available at http://www.firn.edu/doe/besss/sesir.htm.

11 Section 1006.10, F.S.

12 The U.S. Department of Education, National Center for Education Statistics, *Indicators of School Crime and Safety:* 2005, NCES 2006-001, November 2005, available at http://nces.ed.gov/programs/crimeindicators/Indicators.asp?PubPageNumber=12.

13 Education Commission of the States, State Anti-Bullying Statutes, by Jennifer Dounay, April 2005, available at http://www.ecs.org/clearinghouse/60/41/6041.htm.

14 Education Commission of the States, State Anti-Bullying Statutes, by Jennifer Dounay, April 2005, available at http://www.ecs.org/clearinghouse/60/41/6041.htm and Education Commission of the States, Recent State Policies and Activities Update: Student Discipline: Bullying Statutes, available at

 $\label{lem:http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Safety/Student+Discipline--Bullying/Conflict+Resolution. The state of the$

15 Florida Department of Education, Bullying Programs in Florida Districts available at http://www.firn.edu/doe/besss/bull_fl.html.

STORAGE NAME: DATE:

- PeaceBuilders Franklin and Gulf;
- Positive Action Charlotte and Leon;
- Project ACHIEVE Charlotte;
- Safe Schools Ambassadors Seminole;
- Success in Stages: Build Respect, Stop Bullying Union; and
- TRUST Miami-Dade.

Safe Schools Funding

Safe schools funding is a component of the Florida Education Finance Program¹⁶ and is allocated by the legislature as proviso language in the General Appropriations Act.¹⁷ The Legislature appropriated \$75,350,000 in safe schools funds for the 2005-2006 school year. Safe schools funds are allocated as follows:

- A basic amount of \$50,000 is distributed to each Florida school district or lab school.
- Two-thirds of the remaining balance is allocated based on the latest official Florida Crime Index as provided by the Florida Department of Law Enforcement.
- One-third is allocated based on each district's share of the state's total unweighted student enrollment.

School districts may use safe schools funds to implement after school programs, conflict resolution strategies, alternative school programs for adjudicated youth, and other improvements to make the school a safe place to learn. School districts have flexibility to determine how much of its total allocation to use for each authorized Safe Schools activity.

Effect of Proposed Changes:

Prohibition of Bullying and Harassment

House bill 535 prohibits bullying and harassment on school grounds, at school sponsored functions, on school buses, and in conjunction with school district controlled computer equipment and networks. The bill defines "bullying" as systematic or chronic infliction of physical hurt or psychological distress that may involve teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, sexual or racial harassment, public humiliation, or destruction of property. "Harassment" is defined to include threatening, insulting, or dehumanizing gestures, use of a computer, and written, verbal, or physical conduct targeted at a student or school employee that:

- Causes the student or school employee to reasonably fear harm to person or property;
- Substantially interferes with the student's educational performance; or
- Substantially disrupts the orderly operation of the school.

Also falling within the bill's scope are certain acts of retaliation against individuals who report an act of bullying or harassment, acts that incite or coerce others to perpetrate an act of bullying or harassment, accessing or causing others to access another student's computer data or software for bullying and harassment purposes via school operated computers, and other acts having the effect of bullying and harassment.

Bullying and Harassment Policies

The bill requires each school district to adopt a policy prohibiting bullying and harassment. The policies must apply evenly to all students and explicitly prohibits a school district from creating special classifications of protected students based on student characteristics. Each school district must involve a variety of stakeholders in devising its bullying and harassment policy. The bill further requires each school district to integrate its bullying and harassment policy into the district's year round school

curriculum, discipline policies, and violence prevention efforts. Moreover, the bill provides conditions for immunity from suit for specified individuals who report an incident of bullying or harassment. The bill bars perpetrators who access a computer to bully or harass from raising the location or time of access of the computer as a defense.

Additionally, school district bullying and harassment policies must contain the following components:

- A definition of bullying and harassment and statement that such conduct is prohibited;
- Clearly stated consequences for committing or falsely accusing another of bullying or harassment:
- A procedure for reporting a proscribed act;
- A procedure for investigating whether a reported incident of bullying and harassment is within the scope of the school district's policy. Acts determined to be outside the scope of the school district's policy are to be referred to the appropriate authorities;
- A procedure for providing victim's parents a list of all local agencies where criminal charges may be brought against a perpetrator of bullying or harassment;
- A procedure for referring a victim or perpetrator of bullying or harassment to counseling;
- · A procedure including incidents of bullying and harassment in its SESIR;
- A procedure for training students, parents, school volunteers and school staff in effective tactics for identifying and addressing incidents of bullying and harassment; and
- A procedure for reporting all measures taken to protect a victim of bullying and harassment to a victim's parents.

The bill requires the DOE to adopt model bullying and harassment policies to assist school districts. The bill also requires each school district to publish its policy in the district's code of student conduct and all employee handbooks. The bill further requires the Commissioner to report to the education committees of the Legislature as to the progress made by districts in implementing the bill's provisions.

The bill makes disbursements of safe schools funding to school districts contingent upon the district's adopting a bullying and harassment policy for the 2007-2008 school year. To receive disbursements of safe schools funding in subsequent school years, school districts must comply with all reporting requirements set forth in the bill. A school district's failure to comply with either of these requirements will result in a withholding of safe schools funding.

C. SECTION DIRECTORY:

<u>Section 1:</u> Creates section 1006.147, F.S., prohibiting bullying and harassment in Florida schools; requiring each school district to adopt a policy for preventing and addressing incidents of bullying and harassment.

Section 2: Provides that the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures. See FISCAL COMMENTS.

STORAGE NAME: DATE:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Safe Schools funds of \$75.35 million were appropriated to school districts as part of the Florida Education Finance Program in the 2005-06 fiscal year. The funds are to be expended to maintain a safe learning environment in the schools. School districts that fail to adopt a bullying and harassment policy by the 2007-2008 school year may have their Safe Schools funds withheld. Subsequent disbursements of safe schools funds may be withheld to school districts that fail to comply with any reporting provisions contained in the bill.

The bill requires DOE to adopt model bullying and harassment policies for district use and to report implementation progress to the Legislature. The costs associated with these additional responsibilities, if any, are expected to be small and can be absorbed within existing resources.

School districts may incur costs in developing bullying and harassment policies, and in providing the required training to students, parents, school volunteers, and school employees. The costs associated with this bill, if any, are expected to be small.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires two reports on bullying and harassment to be submitted to the President of the Senate and the Speaker of the House of Representatives. Because of the content similarity of the reports, it is not clear if there are two separate reports or one report. The first report is to be submitted by the Department of Education by January 1 and is to include aggregated data on the incidences of reported bullying and harassment in school districts and the resulting consequences, including discipline and referrals. The second report is to be submitted by the Commissioner of Education on or before January (no specific date in the bill) regarding the implementation of this bill and is to include pertinent data such as incidences of bullying and harassment identified by school districts.

STORAGE NAME: DATE:

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IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the PreK-12 Committee adopted a strike-all amendment. The strike-all amended the bill as follows:

- Deletes legislative intent language.
- Adds stalking to the definition of "bullying."
- Specifies that definitions in s. 815.03, F.S., relating to computer crimes and s. 784.048, F.S., relating to stalking are applicable to bullying and harassment.
- Adds the requirement to school district policy that parents of victims are notified of all local agencies where criminal charges may be filed.
- Deletes a reference to the federal Family Educational Rights and Privacy Act of 1974 under the
 policy requirement for notifying the victim's family of the actions taken to protect the victim.
- Adds language stating that nothing in the bill shall be construed to abridge the rights of students
 or school employees that are protected by the First Amendment to the Constitution of the United
 States.

HB 535

2006 **CS**

CHAMBER ACTION

The PreK-12 Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to school safety; creating s. 1006.147, F.S.; prohibiting bullying and harassment during education programs and activities, on school buses, or through use of data or computer software accessed through computer systems of certain educational institutions; providing definitions; requiring each school district to adopt a policy prohibiting such bullying and harassment; providing minimum requirements for the contents of the policy; requiring the Department of Education to develop model policies; providing immunity; providing restrictions with respect to defense of an action and application of the section; requiring department approval of a school district's policy and school district compliance with reporting procedures as prerequisites to receipt of safe schools funds; requiring a report on implementation; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida: Page 1 of 7

HB 535 2006 **CS**

	
24	
25	Section 1. Section 1006.147, Florida Statutes, is created
26	to read:
27	1006.147 Bullying and harassment prohibited
28	(1) Bullying or harassment of any student or school
29	employee is prohibited:
30	(a) During any education program or activity conducted by
31	a public K-12 educational institution;
32	(b) During any school-related or school-sponsored program
33	or activity or on a school bus of a public K-12 educational
34	institution; or
35	(c) Through the use of data or computer software that is
36	accessed through a computer, computer system, or computer
37	network of a public K-12 educational institution.
38	(2) For purposes of this section:
39	(a) "Bullying" means systematically and chronically
40	inflicting physical hurt or psychological distress on one or
41	more students and may involve:
42	1. Teasing;
43	2. Social exclusion;
44	<pre>3. Threat;</pre>
45	4. Intimidation;
46	5. Stalking;
47	6. Physical violence;
48	7. Theft;
49	8. Sexual or racial harassment;
50	9. Public humiliation; or

Page 2 of 7

CODING: Words stricken are deletions; words underlined are additions.

10. Destruction of property.

HB 535 2006 **CS**

(b) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

- 1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
- 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- 3. Has the effect of substantially disrupting the orderly operation of a school.
- (c) Definitions in s. 815.03 relating to computer crimes and s. 784.048 relating to stalking are applicable to this section.
 - (d) The terms "bullying" and "harassment" include:
- 1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- 2. Perpetuation of conduct listed in paragraph (a) or paragraph (b) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:
 - a. Incitement or coercion;

b. Accessing or knowingly causing or providing access to data or computer software through a computer, computer system,

HB 535 2006 **cs**

or computer network within the scope of the district school system; or

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- c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
- (3) By September 1, 2006, each school district shall adopt a policy prohibiting bullying and harassment on school property, at a school-related or school-sponsored program or activity, on a school bus, or through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the district school system. The school district policy shall not establish categories of students but shall afford all students the same protection regardless of their status under law. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts. The school district policy must contain, at a minimum, the following components:
 - (a) A statement prohibiting bullying and harassment.
 - (b) A definition of bullying and a definition of harassment.
 - (c) A description of the type of behavior expected from each student and school employee.
- 105 (d) The consequences for a person who commits an act of bullying or harassment.

Page 4 of 7

2006 HB 535 CS

The consequences for a person who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.

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- (f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.
- (g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.
- (h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction.
- (i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment of all local agencies where criminal charges may be pursued against the perpetrator.
- (j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.
- (k) A procedure for including incidents of bullying or harassment in the school's report of safety and discipline data required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report

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HB 535 2006 **cs**

must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports and submit an annual report to the President of the Senate and the Speaker of the House of Representatives by January 1.

- (1) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment.
- (m) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.
- (n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.
- (4) To assist school districts in developing policies for the prevention of bullying and harassment, the Department of Education shall develop model policies, which must be provided to school districts no later than July 1, 2006.
- (5) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

HB 535 2006 **CS**

(6) (a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action or prosecution initiated under this section.

- (b) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.
- (7) Distribution of safe schools funds to a school district provided in the 2007-2008 General Appropriations Act is contingent upon Department of Education approval of the school district's bullying and harassment policy. Distribution of safe schools funds provided to a school district in fiscal year 2008-2009 and thereafter shall be contingent upon the school district's compliance with all reporting procedures contained in this section.
- (8) On or before January of each year, the Commissioner of Education shall report to the Senate and House of Representatives committees on education on the implementation of this section. The report shall include pertinent data such as incidences of bullying and harassment identified by the school districts.
- (9) Nothing in this section shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.
 - Section 2. This act shall take effect upon becoming a law.

Amendment No. 1

		Bill No. 535
COUNCIL/COMMITTEE	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	(Y/N)	
ADOPTED W/O OBJECTION	(Y/N)	
FAILED TO ADOPT	(Y/N)	
WITHDRAWN	(Y/N)	
OTHER		

Council/Committee hearing bill: Education Council Representative Bogdanoff offered the following:

Amendment

On page 4, line 89 through 91, remove those lines and insert:

The school district bullying and harassment policy shall not establish categories of students but shall afford all students the same protection regardless of their status under the law. School districts may establish separate discrimination policies that include categories of students. The school district shall

Amendment No. 2

		Bi	ll No.	535
	COUNCIL/COMMITTEE AC	TION		
	ADOPTED	(Y/N)		
	ADOPTED AS AMENDED	(Y/N)		
	ADOPTED W/O OBJECTION	(Y/N)		
	FAILED TO ADOPT	(Y/N)		
	WITHDRAWN	(Y/N)		
	OTHER			
	Council/Committee hearing	bill: Education Council		
	Representative Bogdanoff	offered the following:		
}				
	Amendment			
)	Remove lines 139 thr	ough 141 and insert:		
5	information contained in	the reports.		
7	,			
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Amendment No. 3

		Bill No. 535
COUNCIL/COMMITTEE	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	(Y/N)	
ADOPTED W/O OBJECTION	(Y/N)	
FAILED TO ADOPT	(Y/N)	
WITHDRAWN	(Y/N)	
OTHER		

Council/Committee hearing bill: Education Council
Representative Bogdanoff offered the following:

Amendment

Remove lines 179 through 184 and insert:

(8) On or before January 1 of each year, the Commissioner of Education shall report to the Governor, President of the Senate, and Speaker of the House of Representatives on the implementation of this section. The report shall include data collected pursuant to s. 1006.147(3)(k).

Amendment No. 4

	Bill No. 535
	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N)
:	ADOPTED W/O OBJECTION (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Education Council
2	Representative Bogdanoff offered the following:
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4	Amendment
5	On page 1, line 24 insert the following and renumber
6	subsequent sections:
7	Section 1. This act may be cited as the "Jeffrey Johnston Act".
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11	========= T I T L E A M E N D M E N T =========
12	On page 1, remove line 6 and insert:
13	An act relating to school safety; providing a short title;
14	creating s. 1006.147,

Amendment No. 5 (for drafter's use only)

	Amendment No. 5 (101 di	arcer s ase only,
		Bill No. 0535
	COUNCIL/COMMITTEE	ACTION
	ADOPTED	(Y/N)
	ADOPTED AS AMENDED	(Y/N)
	ADOPTED W/O OBJECTION	(Y/N)
	FAILED TO ADOPT	(Y/N)
	WITHDRAWN	(Y/N)
	OTHER	

1	Council/Committee heari	ng bill: Education Council
2	Representative(s) Rober	son offered the following:
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4	Amendment	
5	Remove line(s) 185	-187 and insert:
6	(9)(a) Nothing in	this section shall be construed to
7	abridge the rights of s	tudents or school employees that are
8	protected by the First	Amendment to the Constitution of the
9	United States.	
10	(b) Nothing in th	is section shall abridge the ability of
11	school districts or the	Department of Education to enact
12	policies or procedures	prohibiting discrimination and harassment

based on animosity toward any particular class of students.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 679 CS

SPONSOR(S): Sobel and others

Health-Related Education in the Public Schools

TIED BILLS:

IDEN./SIM. BILLS: SB 2602

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	8 Y, 1 N, w/CS	Hassell	Mizereck
2) Health Care General Committee	6 Y, 0 N	Ciccone	Brown-Barrios
3) Education Appropriations Committee	11 Y, 0 N, w/CS	Eggers	Hamon
4) Education Council		Beagle #	Cobb Ccc
5)			

SUMMARY ANALYSIS

The bill requires each school district to submit a copy of the wellness policy required by federal law and its physical education policy to the Department of Education (DOE), who shall post online links to each district's policy on its website. The bill requires the DOE to post health and nutrition resources on its website.

The bill encourages school districts to provide training on first aid and CPR, and to provide 150 minutes of physical education a week for students in grades K-5 and 225 minutes each week for students in grades 6-8. The bill requires a certified physical education instructor to review all physical education programs and curricula.

The bill requires that districts annually provide parents and guardians with information on ways to help their children be physically active and eat healthy foods. It also revises the membership of the school health advisory committee so that members represent the eight component areas of the coordinated school health model.

The bill appears to have no fiscal impact. See FISCAL COMMENTS for details.

The bill provides for an effective date of July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: DATE: h0679f.EDC.doc 4/13/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government- The bill increases the responsibilities of the Department of Education.

Empower families – The bill increases the amount of available information to parents, guardians and families regarding school district's wellness and physical education policies.

B. EFFECT OF PROPOSED CHANGES:

Background

Presently, section 1003.42, Florida Statutes, provides that each school board shall provide appropriate instruction that meets State Board of Education standards, also known as the Sunshine State Standards, in specific subject areas including health and physical education.

In 2004, the Legislature enacted CS/CS/SB 354 which included several requirements regarding physical education. The 2004 bill directed the Department of Education (DOE) to conduct a study to determine the status of physical education instruction in the public schools and to develop recommendations for changes. The study did not recommend any Legislative action.

In 2004, the Legislature enacted s.1003.455, F.S., which required district school boards to adopt written physical education policies by December 1, 2004, that detailed the district's physical education program and expected program outcomes. Districts that did not adopt physical education policies by the deadline were required to implement a program requiring, at a minimum, 30 minutes of physical education for kindergarten through fifth-graders for three days a week.

The federal Child Nutrition and WIC Reauthorization Act (PL 108-265-June 30, 2004) requires each local education agency participating in the National School Lunch Act or the Child Nutrition Act of 1966 to establish a local school wellness policy, which must include nutritional education, physical activity, and other school based efforts to promote wellness.

Effects of Proposed Changes

The bill requires each school district to submit a copy of the wellness policy and its physical education policy to the Florida Department of Education. The bill requires each district to annually review its policies, provide a procedure for public input and revisions, and send any updated policies to the Department. By December 1, 2006, the Department is required to post online links to each district's policies.

The bill requires the Department to post on its website online links to resources that include information regarding:

- Classroom instruction on the benefits of exercise and healthy eating.
- Classroom instruction on health hazards related to tobacco.
- The 8 components of a coordinated school health program.¹
- The core measures for school health and wellness.
- Access to the nutritional content of foods and beverages and healthy food choices.

¹ http://www.cdc.gov/healthyyouth/CSHP/. The eight components of a coordinated school health model include healthy school environment, counseling, psychological and social services, nutrition services, health services, health promotion for staff, family/community involvement, health education, and physical education.

- Multiple examples of school wellness policies.
- Examples of wellness classes to support staff wellness.

The bill encourages school districts to provide basic first aid training to students, including CPR, beginning in grade 6 and every two years thereafter and to provide 150 minutes of physical education a week for students in K-5 and 225 minutes each week for students in grades 6-8.

The bill requires a certified physical education instructor to review all physical education programs and curricula.

The bill requires that districts annually provide parents and guardians with information on ways to help their children be physically active and eat healthy foods. Lastly, it revises the membership of the school health advisory committee so that members represent the eight component areas of the coordinated school health model as defined by the Centers for Disease Control and Prevention.² It also encourages the committees to address the school health model in the school district's school wellness policy.

C. SECTION DIRECTORY:

Section 1. Creates s. 1003.453, F.S., requiring each school district to submit copies of the school district's wellness policy and physical education policy; requiring the department to post online links to policies and health and nutrition resources on its website.

Section 2. Amends s. 1003.455, F.S., requiring approval of physical education programs and curricula; encouraging districts to provide physical education for a specified amount of time; deleting obsolete language.

Section 3. Amends s. 381.0056, F.S., revising the composition of the school health advisory council.

Section 4. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures. See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures. See FISCAL COMMENTS.

² Id.

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C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

Posting of nutritional information by districts and district wellness policies by DOE should be able to be carried out within existing resources and not have a fiscal impact.

Each district should have at least one certified physical education instructor who is able to review all physical education programs and curricula and as such should not have a fiscal impact.

School districts are encouraged, not required, to provide the activities in the bill not already required by federal law and as such do not have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

There do not appear to be any other constitutional issues.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006 the PreK-12 Committee adopted a strike-all amendment to the bill.

- The strike-all removes the "whereas clauses" from the bill.
- The original bill required DOE to post each school's wellness policy on its website. Instead, the strikeall requires DOE to post online links to district policies.
- The original bill required DOE to provide a model wellness policy on its website that contained specified components. The strike-all removes this requirement, and states that DOE must provide online links to resources to information addressing items formerly listed as policy components.
- The original bill required DOE to provide nutritional information in rubric format on its website. The strike-all removes this requirement.
- The original bill required school districts to provide first aid training to students. The strike-all encourages that such training be provided.

On April 11, 2006 the Education Appropriations Committee adopted an amendment to include guardians in addition to parents for the requirement of schools to provide information annually on physical activity and healthful foods.

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CHAMBER ACTION

The Education Appropriations Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and school districts to post links to those policies on their websites; requiring the department to provide website links to certain resources and prescribing the types of information those resources must provide; encouraging school districts to provide basic training in first aid to students in certain grade levels; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be reviewed by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health

Page 1 of 7

Services Act"; requiring schools to annually provide certain information to students' parents and guardians; providing requirements relating to membership of school health advisory committees; encouraging the committees to address specified matters; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1003.453, Florida Statutes, is created to read:

1003.453 School wellness and physical education policies; nutrition quidelines.--

- (1) By September 1, 2006, each school district shall submit to the Department of Education a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s. 1003.455. Each school district shall annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall send an updated copy of its wellness policy and physical education policy to the department when a change or revision is made.
- (2) By December 1, 2006, the department shall post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district shall provide the most current versions of its school wellness policy and physical education policy on the district's website.

Page 2 of 7

(3) By December 1, 2006, the department must provide on its website links to resources that include information regarding:

- (a) Classroom instruction on the benefits of exercise and healthful eating.
- (b) Classroom instruction on the health hazards of using tobacco and being exposed to tobacco smoke.
- (c) The eight components of a coordinated school health program, including health education, physical education, health services, and nutrition services.
- (d) The core measures for school health and wellness, such as the School Health Index.
- (e) Access for each student to the nutritional content of foods and beverages and to healthful food choices in accordance with the dietary guidelines of the United States Department of Agriculture.
- (f) Multiple examples of school wellness policies for school districts.
- (g) Examples of wellness classes that provide nutrition education for teachers and school support staff, including encouragement to provide classes that are taught by a licensed nutrition professional from the school nutrition department.
- (4) School districts are encouraged to provide basic training in first aid, including cardiopulmonary resuscitation, for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 2. Section 1003.455, Florida Statutes, is amended to read:

1003.455 Physical education; assessment.--

- (1) It is the responsibility of each district school board to develop a physical education program that stresses physical fitness and encourages healthful, active lifestyles and to encourage all students in prekindergarten through grade 12 to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. All physical education programs and curricula must be reviewed by a certified physical education instructor.
- (2) Each district school board shall, no later than

 December 1, 2004, adopt a written physical education policy that
 details the school district's physical education program and
 expected program outcomes. Each district school board shall
 provide a copy of its written policy to the Department of
 Education by December 15, 2004.
- (3) Each district school board is encouraged to provide

 150 minutes of physical education each week for students in

 kindergarten through grade 5 and 225 minutes each week for

 students in grades 6 through 8. Any district that does not adopt

 a physical education policy by December 1, 2004, shall, at a

 minimum, implement a mandatory physical education program for

 kindergarten through grade 5 which provides students with 30

 minutes of physical education each day, 3 days a week.

Page 4 of 7

107 Subsections (2) and (5) of section 381.0056, Florida Statutes, are amended to read: 108 109 381.0056 School health services program. --The Legislature finds that health services conducted 110 111 as a part of the total school health program should be carried out to appraise, protect, and promote the health of students. 112 School health services supplement, rather than replace, parental 113 responsibility and are designed to encourage parents to devote 114 attention to child health, to discover health problems, and to 115 encourage use of the services of their physicians, dentists, and 116 community health agencies. Each school shall annually provide 117 118 all parents and guardians with information on ways that they can help their children to be physically active and to eat healthful 119 120 foods. (5) (a) Each county health department shall develop, 121 jointly with the district school board and the local school 122 health advisory committee, a school health services plan; and 123 the plan must shall include, at a minimum, provisions for: 124 125 1. (a) Health appraisal; 126 2.(b) Records review; 127 3.(c) Nurse assessment; 4. (d) Nutrition assessment; 128 5.(e) A preventive dental program; 129 6.(f) Vision screening; 130 7.(q) Hearing screening; 131 132 8. (h) Scoliosis screening; 9.(i) Growth and development screening; 133 134 10.(j) Health counseling;

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135	11.(k) Referral and followup of suspected or confirmed
136	health problems by the local county health department;
137	12.(1) Meeting emergency health needs in each school;
138	13. (m) County health department personnel to assist school
139	personnel in health education curriculum development;
140	14.(n) Referral of students to appropriate health
141	treatment, in cooperation with the private health community
142	whenever possible;
143	15. (o) Consultation with a student's parent or guardian
144	regarding the need for health attention by the family physician,
145	dentist, or other specialist when definitive diagnosis or
146	treatment is indicated;
147	16.(p) Maintenance of records on incidents of health
148	problems, corrective measures taken, and such other information
149	as may be needed to plan and evaluate health programs; except,
150	however, that provisions in the plan for maintenance of health
151	records of individual students must be in accordance with s.
152	1002.22;
153	17.(q) Health information which will be provided by the
154	school health nurses, when necessary, regarding the placement of
155	students in exceptional student programs and the reevaluation at
156	periodic intervals of students placed in such programs; and
157	18.(r) Notification to the local nonpublic schools of the
158	school health services program and the opportunity for
159	representatives of the local nonpublic schools to participate in
160	the development of the cooperative health services plan.
161	(b) Each school health advisory committee must, at a
162	minimum, include members who represent the eight component areas

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163	of the Coordinated School Health model as defined by the Centers
164	for Disease Control and Prevention. School health advisory
165	committees are encouraged to address the eight components of the
166	Coordinated School Health model in the school district's school
167	wellness policy pursuant to s. 1003.453.
168	Section 4. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 999 CS

Suicide Prevention

SPONSOR(S): Adams TIED BILLS: None.

IDEN./SIM. BILLS:

SB 1876

REFERENCE DIRECTOR	ACTION	ANALYST	STAFF
1) PreK-12 Committee	8 Y, 0 N, w/CS	Hatfield	Mizereck
2) Future of Florida's Families Committee	7 Y, 0 N	Preston	Collins
3) Education Appropriations Committee	15 Y, 1 N, w/CS	Hammock	Hamon
4) Education Council		Beagle (B	Cobb lcc
5)			

SUMMARY ANALYSIS

The bill establishes a pilot program on suicide and depression prevention to be conducted by the Signs of Suicide Prevention Program (SOS) for secondary schools in Brevard, Orange, Osceola, and Seminole counties during the 2006-2007 fiscal year.

In order for a county included in the pilot to receive funding, a proposal must be submitted to the Department of Education (DOE) by September 1, 2006.

The bill requires that local school personnel in each participating county receive materials necessary for program implementation. The parent of each student must be provided with a copy of a screening form and program information to assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.

The bill requires a report to the President of the Senate and Speaker of the House of Representatives by January 1, 2007.

The bill states that the pilot program is contingent upon funding in the 2006-2007 fiscal year General Appropriations Act. The bill requires that funds appropriated to the Department of Education for the pilot program shall be distributed to the Michael Buonauro Foundation to implement the pilot program. The foundation must provide matching funds to receive this appropriation. See FISCAL ANALYSIS for further details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. h0999f.EDC.doc STORAGE NAME:

DATE:

4/14/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill establishes a pilot program for secondary schools in selected counties on suicide and depression prevention.

Empower Families-- The bill requires parents of each student in a participating school to be provided with information that may assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.

B. EFFECT OF PROPOSED CHANGES:

Background

According to the National Center for Health Statistics, the suicide rate for youths and young adults aged 15-24 years has tripled since 1950, and suicide is now the third leading cause of death in this age group. Recent studies indicate that the incidence of suicide attempts among adolescents may exceed 10% annually, although it is difficult to obtain reliable estimates because of the accompanying stigma with attempting suicide.¹

A relatively new approach to reducing the incidence of suicide among adolescents is found in Signs of Suicide (SOS), a school-based prevention program.² According to Screening for Mental Health, Inc., (SMH), the SOS Program is a nationally recognized, easily implemented, cost-effective program of suicide prevention for secondary school students. It is the only school-based program to:

- Show a reduction in suicide attempts (by 40%) in a randomized controlled study (American Journal of Public Health, March, 2004).
- Be selected by the Substance Abuse and Mental Health Services Administration (SAMHSA) for its National Registry of Evidence-based Programs and Practices (NREPP).

The SOS Program has also documented a dramatic increase in help-seeking. (Adolescent and Family Health, 2003).³

Secondary schools participating in the SOS program may choose from program materials including a video and discussion guide and screening forms. The SOS program's primary objectives are to educate teens that depression is a treatable illness and to equip them to respond to a potential suicide involving a friend or family member using the SOS technique. SOS is an action-oriented approach instructing students how to **ACT** (**A**cknowledge, **C**are, and **T**ell) in the face of this mental health emergency.⁴

⁴ ld.

STORAGE NAME:

¹ Robert H. Aseltine Jr, Ph.D., and Robert DeMartino, M.D., *An Outcome Evaluation of the SOS Suicide Prevention Program*, American Journal of Public Health, March 2004, Vol. 94, No. 3, at 446.

www.mentalhealthscreening.org/highschool/

According to SAMHSA, the average amount of time to implement the program across 376 schools was approximately 2.5 days, although almost 40% of schools reported that they completed the program in one day. Results of a multi-site evaluation revealed:

- The average number of youth seeking counseling for depression/suicidality in the 30 days following the program (9.59) was significantly higher when compared with the average number of youth seeking help per month over the past year (3.93). This was an increase of almost 150%.
- There was a 70% increase in the average number of youth seeking counseling for depression/suicidality on behalf of a friend in the 30 days following the program (3.79) when compared with the average number of youth seeking help for a friend per month over the past year (2.25).
- The average number of youth seeking counseling for depression/suicidality remained high in the 3 months following the program (9.74) per month, and was significantly higher than the previous school year (3.93). There was also a 25% increase in the number of youths seeking help for a friend 3 months after implementation (2.78) when compared to the past year (2.25).⁵

The Michael Buonauro Foundation

Judy and Frank Buonauro, whose son Michael died by suicide May 28, 2004, created the Michael Buonauro Foundation. The Foundation secured the SOS program for all public high school students in Orange County, Florida, for the 2005-2006 school year. Private schools were also invited to participate in the program.⁶

Effects of Proposed Changes

The bill establishes a pilot program on suicide and depression prevention for secondary schools in Brevard, Orange, Osceola, and Seminole counties during the 2006-2007 fiscal year.

The bill states the pilot program shall encourage collaboration with local mental health facilities and individual professionals.

In order for one of the counties authorized to participate in this pilot program to receive funding, the bill requires an SOS entity to submit a program proposal to the DOE by September 1, 2006.

The bill requires the pilot program to provide local school personnel in each participating county with the materials necessary for implementation. The parent of each student in a participating school must be provided with program information and a copy of a screening form to assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.

The bill requires the SOS pilot program to provide a report to the President of the Senate and Speaker of the House of Representatives by January 1, 2007. The report must include the following:

An itemized list of program costs;

6 http://www.southwestorlandobulletin.com STORAGE NAME: h0999f.EDC.doc DATE: 4/14/2006

⁵ http://modelprograms.samhsa.gov/

- An evaluation of participating schools;
- An assessment of the quality of the program components;
- An assessment of the safety of program implementation;
- An assessment of the burden on school support staff after implementation;
- · An assessment of the efficacy of the program; and
- Recommendations regarding program effects and outcomes.

The information must be reported for the pilot program in the aggregate, for each participating county, and for each participating school in each participating county.

The bill provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Provides for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties.

Section 2: Provides conditions for program funding.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill requires implementation of the Signs of Suicide Prevention pilot program for secondary schools in Brevard, Orange, Osceola, and Seminole counties contingent upon funding in the 2006-2007 General Appropriations Act. Release of funds to the Michael Buonauro Foundation is contingent upon the Foundation providing equivalent matching funds. The Foundation has indicated that the maximum match it is willing to make for the 2006-2007 fiscal year is \$600,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

STORAGE NAME: DATE: h0999f.EDC.doc 4/14/2006

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In order for one of the counties authorized to participate in this pilot program to receive funding, the bill requires an SOS entity to submit a program proposal to the DOE by September 1, 2006. The bill also requires the SOS pilot program to provide a report to the President of the Senate and Speaker of the House of Representatives by January 1, 2007, containing the following:

- An itemized list of program costs;
- An evaluation of participating schools;
- An assessment of the quality of the program components;
- An assessment of the safety of program implementation;
- An assessment of the burden on school support staff after implementation;
- An assessment of the efficacy of the program; and
- Recommendations regarding program effects and outcomes.

The amount of time between September 1, 2006 and January 1, 2007 may not allow enough time for the information required in the report to be obtained.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the PreK-12 Committee adopted a strike-all amendment.

On April 11, 2006, the Education Appropriations Committee adopted two amendments removing legislative intent for support and funding of the pilot program and requiring implementation of the pilot program contingent upon funding in the 2006-2007 fiscal year General Appropriations Act.

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2006 CS

CHAMBER ACTION

The Education Appropriations Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to suicide prevention; providing for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties; requiring the submission of proposals to the Department of Education; providing for student participation in the pilot program and for the provision of certain information to parents; requiring a report to the Legislature; requiring implementation of the pilot program to be contingent upon state funding and equivalent matching funds; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. <u>Signs of Suicide Prevention Program for</u> secondary schools; pilot program.--

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(1) Contingent upon funding in the General Appropriations

Act, there is established a pilot program to be conducted by the

Signs of Suicide Prevention Program for secondary schools,

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CODING: Words stricken are deletions; words underlined are additions.

HB 999 CS 2006 **CS**

hereinafter referred to as "SOS." The pilot program shall encourage collaboration with local mental health facilities and individual professionals.

- (2) During the 2006-2007 fiscal year, an SOS pilot program shall be conducted in Brevard, Orange, Osceola, and Seminole counties. In order to receive funding under this act, an SOS entity for a county authorized to participate in the pilot program must submit to the Department of Education by September 1, 2006, a proposal for suicide and depression prevention for secondary school students who attend school in that county. The pilot program shall provide school personnel in each participating school with the materials necessary for implementation.
- (3) The parent of each student in a participating school shall be provided with a copy of program information and a screening form to assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.
- (4) By January 1, 2007, the district school board of each participating county shall provide to the President of the Senate and the Speaker of the House of Representatives a report that includes an itemized list of program costs, an evaluation of participating schools, an assessment of the quality of the program components, an assessment of the safety of program implementation, an assessment of the burden on school support staff after implementation of the program, an assessment of the efficacy of the program, and recommendations regarding program effects and outcomes. The information shall be reported for the Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

HB 999 CS 2006 **CS**

pilot program in the aggregate, for each participating county, and for each participating school in each participating county.

Section 2. Implementation of the pilot program conducted by the Signs of Suicide Prevention Program for secondary schools shall be contingent upon funding in the 2006-2007 General Appropriations Act. Funds appropriated to the Department of Education for the pilot program shall be distributed to the Michael Buonauro Foundation to implement the pilot program in accordance with this act. In order to receive state funds for this purpose, the Michael Buonauro Foundation shall provide matching funds in an amount equal to the appropriation.

Section 3. This act shall take effect July 1, 2006.

Page 3 of 3

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 1065 CS

Educational Opportunities for Children and Spouses of Deceased

or Disabled Veterans and Servicemembers

SPONSOR(S): Jordan

TIED BILLS:

IDEN./SIM. BILLS: SB 2034

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee	6 Y, 0 N	Thomas	Ashworth
2) Military & Veteran Affairs Committee	7 Y, 0 N	Marino	Cutchins
3) Education Appropriations Committee	15 Y, 0 N, w/CS	Hammock	Hamon
4) Education Council	_	Thomas M	Cobb Cc
5)			

SUMMARY ANALYSIS

The bill provides educational opportunity for spouses of deceased or certain disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
 - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
 - o unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
 - o if married to the servicemember for 1 year; and
 - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability is a service-connected 100-percent permanent and total disability as determined by the United States Department of Veterans Affairs or its predecessors; and
 - o only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

The bill provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

The bill also removes language restricting educational opportunities to children of POWs and MIAs of only the Korean Conflict and the Vietnam War. Removing this language allows children of all individuals who become classified as POWs or MIAs while serving in the United States Armed Forces to participate in the program.

The effective date provided is July 1, 2006.

The fiscal impact of the bill is indeterminate. Please see "Fiscal Comments" for further information.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME:

h1065g.EDC.doc 4/14/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower families – The bill allows educational opportunity for spouses of deceased or certain disabled servicemembers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Scholarships for Children of Deceased or Disabled Veterans

Section 295.01, F.S., provides educational opportunity at state expense for children of a member of the U.S. Armed Forces if the military member entered the Armed Forces while a resident of Florida and died from service-related injuries, disease, or disability while on active-duty or was determined by the U.S. Department of Veterans Affairs to have a 100-percent permanent and total service-related disability. In addition, the parents must have been residents of Florida for one year preceding the death or occurrence of such disability.

Effective July 1, 2005, the statute was amended to include children of deceased or disabled military personnel who die or become disabled in Operation Iraqi Freedom, and reduced the number of years required for the parents to be Florida residents preceding the death or disability from five years to one year. As a result, the projected number of awards has increased for fiscal years 2005-2006 and 2006-2007.

The chart below tracks the program's appropriations and cost, and the number of participating students over the last few years¹ as well as projections for fiscal years 2005-2006 and 2006-2007.

Fiscal Year	Number of Awards	Average Award*	Expended Funds	Appropriation Amount
1999-00	142	\$1,513	\$214,861	\$333,250
2000-01	158	\$1,590	\$251,191	\$333,250
2001-02	168	\$1,768	\$297,062	\$333,250
2002-03	151	\$1,961	\$296,130	\$333,250
2003-04	157	\$2,053	\$322,294	\$333,250
2004-05	149	\$2,105	\$313,691	\$333,250
2005-06	170**	\$2,254**	TBD	\$383,250
2006-07	197**	\$2,323**	TBD	\$457,723***

^{*}The maximum award differs per student as it is equal to the tuition and fees at a public postsecondary institution.

Student Eligibility for Children of Deceased or Disabled Veterans

Eligible students are required to:

- Submit a completed Florida Financial Aid Application for students by April 1.
- Be a dependent child between the ages of 16 years and 22 years of a Florida qualified veteran by the Florida Department of Veterans' Affairs.

^{**} Projected

^{***}HB 5001, 2006 General Appropriations Act

¹ Office of Student Financial Assistance, Florida Department of Education, "2003-04 Annual Report to the Commissioner," November 2004, page 19.

- Meet Florida's general eligibility requirements.
- Be enrolled in an undergraduate degree or certificated program.
- Be enrolled for a minimum of six credit hours, 180 clock hours, or the equivalent, per term at an eligible postsecondary institution.
- Not be in default on any federal Title IV or state student loan program unless satisfactory arrangements to repay have been made.
- Not have previously received a bachelor's degree.

Federal Law:

Under current federal legislation, U. S. Department of Veterans Affairs education benefits are available to qualifying spouses and children of veterans who died of a service-connected disability.

Benefits include payment of a monthly education or training allowance and may be awarded for pursuit of associate, bachelor, or graduate degrees at colleges and universities, including independent study, cooperative training and study abroad programs. Funds may be used to cover more than tuition and books.

Courses leading to a certificate or diploma from business, technical or vocational schools also may be taken.

Effective Oct. 1, 2004, the rate of compensation is \$803 a month for full-time school attendance, with lesser amounts for part-time training. A person may receive educational assistance for full-time training for up to 45 months or the equivalent in part-time training.

Payments to a spouse end 10 years from the date the individual is found eligible or from the date of the death of the veteran. Children generally must be between the ages of 18 and 26 to receive education benefits, though extensions may be granted.

Children of Prisoners of War and Persons Missing in Action

Section 295.015, F.S., provides educational opportunity at state expense for dependent children of a parent who is classified as a prisoner of war or missing in action in the service of the Armed Forces of the United States during the Korean Conflict or during the Vietnam Era.

Effect of Proposed Changes:

Spouses of Deceased or Disabled Servicemembers

The bill provides educational opportunity for spouses of deceased or certain disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
 - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
 - unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
 - o if married to the servicemember for 1 year; and
 - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability is a service-connected 100-percent permanent and total disability as determined by the United States Department of Veterans Affairs or its predecessors; and
 - o only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

Though the bill provides for spouses or deceased or disabled servicemembers rather than veterans, which by statute are two different classifications (s. 1.01(14) and 250.01 respectively), the bill requires the same deceased and disability eligibility requirements as required for children of deceased and disabled veterans. (s. 295.01(1)).

The bill provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

Children of Prisoners of War and Persons Missing in Action

The bill provides educational opportunity at state expense for dependent children of a parent who is classified as a prisoner of war or missing in action in the service of the Armed Forces of the United States. There is no longer a restriction to the Korean Conflict and Vietnam War.

It is believed that only two children in the state will be affected by this change. Floridian Scott Spiker was a pilot shot down in the opening days of the Gulf War in 1991. His official status is missing in action.

C. SECTION DIRECTORY:

- Section 1. Amends s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or certain disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of certain disabled servicemembers; specifying uses of funds appropriated for such educational opportunities.
- Section 2. Amends s. 295.02, F.S.; relating to the use of funds for educational opportunities provided to children of deceased or disabled veterans and spouses of deceased or disabled veterans.
- Section 3. Amends s. 295.03, F.S.; relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology.
- Section 4. Amends s. 295.05, F.S.; relating to enrollment as a prerequisite to receipt of benefits; revising terminology.
- Section 5. Amends s. 295.015, F.S.; relating to educational opportunities for children of prisoners of war and persons missing in action.
- Section 6. Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The fiscal impact on state government expenditures is indeterminate. It is unknown how many students would be eligible and apply for this benefit. See Fiscal Comments.

STORAGE NAME:

h1065g.EDC.doc 4/14/2006

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

It is unknown how many 100-percent permanently and totally disabled veterans entered the military in Florida, were residents for one year preceding disability, or were married at the time of their disability. It is also unknown the number of spouses without children who might also be eligible.

The Department of Education has projected 197 eligible children awardees for fiscal year 2006-2007. HB 5001, the 2006 General Appropriations Act, appropriates \$457,723.

It is believed that only two children in the state will be affected by the expansion of the educational opportunities for children of POWs and MIAs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The State Board of Education currently has rulemaking authority regarding this issue under s. 295.01, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

April 11, 2006, the Educational Appropriations Committee adopted two amendments that:

- Clarify age limitations apply only to the children of deceased or disabled veterans and not eligible spouses.
- Removes language restricting educational opportunities to children of POWs and MIAs of only the Korean Conflict and the Vietnam War.

STORAGE NAME: DATE:

h1065g.EDC.doc 4/14/2006

CHAMBER ACTION

The Education Appropriations Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

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A bill to be entitled

An act relating to educational opportunities for children and spouses of deceased or disabled veterans and servicemembers; amending s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of disabled servicemembers; amending s. 295.02, F.S.; specifying uses of funds appropriated for such educational opportunities; amending s. 295.03, F.S., relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology; amending s. 295.05, F.S., relating to enrollment as a prerequisite to receipt of benefits; revising terminology; amending s. 295.015, F.S.; removing a limitation with respect to the provision of educational opportunity at state expense for Page 1 of 6

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dependent children either of whose parents became classified as prisoners of war or missing in action in the service of the Armed Forces of the United States or civilian personnel captured while serving with the consent or authorization of the United States Government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

 Section 1. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; spouses of deceased or disabled servicemembers; education.--

- (1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents entered the Armed Forces and:
- (a) Died as a result of service-connected injuries, disease, or disability sustained while on active duty; or
 - (b) Has been:
- 1. Determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation;
- 2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services; or
- 3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17,

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when the parents of such children have been bona fide residents of the state for 1 year immediately preceding the death or occurrence of such disability, and subject to the rules, restrictions, and limitations set forth in this section.

- (2) It is also the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers.
- (a) The unremarried spouse of a deceased servicemember, as defined in s. 250.01, qualifies for the benefits under this section:
- 1. If the servicemember and his or her spouse had been residents of the state for 1 year immediately preceding the servicemember's death and the servicemember's death occurred under the circumstances provided in subsection (1); and
- 2. If the unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- (b) The dependent spouse of a disabled servicemember, as defined in s. 250.01, qualifies for the benefits under this section:
- 1. If the servicemember and his or her spouse have been married to each other for 1 year; and
- 2. If the servicemember and his or her spouse have been residents of the state for 1 year immediately preceding the occurrence of the servicemember's disability and the disability meets the criteria set forth in subsection (1); and

3. Only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

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- All rules, restrictions, and limitations set forth in this section shall apply.
- 84 (3)(2) Sections 295.03, 295.04, 295.05, and 1009.40 shall apply.
 - $\underline{(4)}$ The State Board of Education shall adopt rules for administering this section.
 - Section 2. Section 295.02, Florida Statutes, is amended to read:
 - 295.02 Use of funds; age, etc.--
 - (1) All Sums appropriated and expended to carry out the provisions of s. 295.01(1) under this chapter shall be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the children of deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between the ages of 16 and 22 years and who are in attendance at a state-supported institution of higher learning, including a community college or career center. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of

Page 4 of 6

such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

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- (2) Sums appropriated and expended to carry out the provisions of s. 295.01(2) shall be used to pay tuition and registration fees for the spouses of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, who are enrolled at a state-supported institution of higher learning, including a community college or career center. Notwithstanding the benefits disbursement provision in s. 295.04, such funds shall be applicable for up to 110 percent of the number of required credit hours of an initial baccalaureate degree or certificate program for which the spouse is enrolled.
- The Department of Education shall administer this (3) educational program subject to regulations of the department.
- Section 3. Section 295.03, Florida Statutes, is amended to read:
 - 295.03 Minimum requirements. -- Upon failure of any student child benefited by the provisions of this chapter to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits thereof shall be withdrawn as to the student child and no further moneys expended for his or her benefits so long as such failure or delinquency continues.
- Section 4. Section 295.05, Florida Statutes, is amended to 128 129 read:
 - Admission; enrollment.--Eligibility for admission is not affected by this chapter, but all students children receiving benefits under this chapter shall be enrolled

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according to the customary rules and requirements of the institution attended.

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Section 5. Section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.--

- (1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents became classified as prisoners of war or missing in action in the service of the Armed Forces of the United States during the Korean Conflict or during the Victnam Era, as defined in s. 1.01(14), or civilian personnel captured while serving with the consent or authorization of the United States Government. Such educational opportunity shall be provided until such time as the parent so classified is returned alive or the parent's remains are recovered; provided that, in order to be eligible, the parents of such children must have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof and must be permanent residents of the state on the effective date of this act.
- 153 (2) The provisions of ss. 295.03, 295.04, 295.05, and 154 1009.40 shall apply.
- Section 6. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 1243 CS

SPONSOR(S): Mahon

TIED BILLS:

HJR 447 CS

Education Personnel

IDEN./SIM. BILLS: SB 1148

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	6 Y, 2 N, w/CS	Beagle	Mizereck
2) Education Appropriations Committee	15 Y, 0 N	Eggers	Hamon
3) Education Council		Beagle GB	Cobb Vcc
4)			
5)			14/10

SUMMARY ANALYSIS

Regional professional development academies (RPDA) are a component of Florida's statewide system of professional development and inservice training. RPDAs collaborate with local business partners to develop educator training programs, and in turn market those programs to area teachers, administrators, schools and school districts.

RPDAs are initially funded through public matching start-up funds and must be self-sufficient after one year of operation.

The bill enables RPDAs to receive additional public funding after year one of operation and specifies that an RPDA is not part of a school district or governmental unit that it serves.

The bill has an indeterminate fiscal impact. See FISCAL ANALYSIS for details.

The bill takes effect on July 1, 2006, if HJR 447 or similar legislation is adopted in the same Legislative session.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. h1243d.EDC.doc

STORAGE NAME:

4/12/2006

DATE:

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government: The bill enables regional professional development academies to receive state funding after their first year of operation.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Current Florida law provides for a coordinated system of professional development for teachers, managers, and administrators to enable the education community to meet state and local student achievement standards and state education goals. Each school district must develop a professional development system and master plan for inservice activities. The Department of Education (DOE) must develop model plans, including use of student achievement data to align professional development programs with identified student needs. School district plans must be approved by the DOE.

Similarly, s. 1012.985, F.S., establishes a system of inservice training designed to upgrade the skills of teachers, managers, and administrative personnel. RPDAs are the delivery mechanism in this system. RPDAs collaborate with local business partners to develop training programs, and in turn market those programs to schools in the region.³ The Schultz Center for Teaching and Leadership is the only RPDA established to date.

Initial funding for RPDAs may be provided through start-up funds from the DOE or as otherwise provided in the General Appropriations Act. To be eligible for start-up funds, the RPDA must meet the following criteria:

- Demonstrate collaboration with local business, district school boards, and postsecondary education institutions which may award college credit for courses offered by RPDA programs;
- Demonstrate capacity to improve teaching skills, provide ongoing follow-up and coaching, and meet professional development needs relating to improving student achievement;
- Be operated under contract with its public partners and governed by an independent board;
- Match start-up funds with an equal or greater amount of funding from private sources during its first year of operation, unless the RPDA is operated by a regional educational consortia;
- Demonstrate the ability to be self-supporting within one-year after opening through fees for service, grants, or private funds; and
- Own or lease a facility for providing programs.

The RPDA must contract with participating school districts to provide professional development services and may also market services to other school districts, private schools, or individuals not under contract.

Effect of Proposed Changes:

Currently, a RPDA must be self-sufficient after its first year of operation. House bill 1243 enables RPDAs to receive funding from DOE or as otherwise provided in the General Appropriations Act after their first year of operation. Subsequent funding may be used for the purposes of developing or

Section 1012.98, F.S.

² Id.

³ Section 1012.985, F.S.

expanding existing programs, assessing inservice training or professional development, or to create additional programs.

The bill stipulates that a RPDA is not a component of any school district or governmental unit to which it provides service. However, this will not inhibit the Auditor General's authority⁴ to review agreements between school districts and RPDAs, nor will it exempt RPDAs from public records⁵ laws. The bill's effective date is contingent upon passage of HJR 447 (related to class size reduction and 65% of funding for classroom instruction) during the Legislative session.

C. SECTION DIRECTORY:

Section 1. Amends s. 1012.985, F.S.; providing that a RPDA may receive public funding subsequent to its first year of operation; providing that a RPDA is not part of a school district or governmental entity to which it provides services.

Section 2. Provides an effective date of July 1, 2006 contingent on the passage of HJR 447 or similar legislation in the 2006 Legislative session.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The fiscal impact of the bill on state expenditures depends on the extent additional public funds are provided by the Department of Education or in the General Appropriations Act. HB 5001, 2006 General Appropriations Act, provides \$350,000 to the Schultz Center for Teaching and Leadership.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Increased public funding may allow RPDAs to expand programs and services, thus generating additional revenues for these public-private partnerships.

D. FISCAL COMMENTS:

Current law requires that RPDAs be self-sufficient after year one of operation. The bill enables RPDAs to receive additional public funding after year one of operation.

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4/12/2006

⁴ Senate Bill Analysis on Senate Bill 1148.

⁵ Florida Department of Education, Legislative Bill Analysis on Senate Bill 1148.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that counties and municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006, the PreK-12 Committee adopted one amendment to the bill. The amendment provides that the bill's effective date is contingent upon passage of HJR 447 (related to class size reduction and 65% of funding for classroom instruction) during the 2006 Legislative session.

This bill analysis reflects the bill as amended.

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HB 1243

2006 CS

CHAMBER ACTION

The PreK-12 Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing a contingent effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 1012.985, Florida Statutes, is amended to read:

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1012.985 Statewide system for inservice professional development.--

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(1) The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and

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HB 1243 2006 **CS**

administrative personnel designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state which that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

- (a) (1) Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.
- (b)(2) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer-based delivery systems.
- (c) (3) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.

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HB 1243 2006 **cs**

(d) (4) Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.

- (e) (5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this paragraph subsection.
- (f)(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this paragraph subsection.
- (g) (7) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a

HB 1243 2006 **CS**

facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.

- (h) (8) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.
- (2) Upon compliance with the requirements for the first year of operation in paragraph (1)(f), a regional professional development academy:
- (a) May receive funds from the Department of Education or as provided in the General Appropriations Act for the purpose of developing programs, expanding services, assessing inservice training and professional development, or other programs that are consistent with the mission of the academy and the needs of the state and region; and
- (b) Is not, by virtue of providing services to one or more school districts, a component of any school district or any governmental unit to which the regional professional development academy provides services.
- Section 2. This act shall take effect July 1, 2006, if House Joint Resolution 447 or similar legislation is adopted in the same legislative session.



BILL #:

HB 1373 CS

Supplemental Educational Services

TIED DILLO

SPONSOR(S): Attkisson

TIED BILLS:

IDEN./SIM. BILLS: SB 2616

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N, w/CS	Beagle	Mizereck
2) Education Appropriations Committee	16 Y, 0 N	Eggers	Hamon
3) Education Council		Beagle 68	Cobb Vcc
4)			
5)			

SUMMARY ANALYSIS

The No Child Left Behind Act of 2001 (NCLB) authorizes the use of federal funds to provide supplemental educational services (SES) to low income children attending low performing schools. States are required to adopt standards governing the provision of SES to eligible students. Currently, there are no provisions in Florida law establishing state standards for SES services.

The bill establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the Department of Education (DOE), local education agencies (LEA), SES providers, and parents.

The bill sets an effective date of July 1, 2006.

This bill does not have a fiscal impact. See Fiscal Comments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. STORAGE NAME: h1373d.EDC.doc

DATE:

4/5/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty: The bill requires the Department of Education and school districts to take certain measures to increase access to supplemental educational services.

Empower Families: The bill increases opportunities for parents to enroll their child in supplemental education services. The bill establishes standards for supplemental educational services providers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

NCLB authorizes the use of federal funds to provide SES to low income children attending low performing schools. SES may include tutoring, additional instruction, or other services provided outside of the regular school day in reading, language arts, or mathematics.¹

Generally, a student is eligible for SES if the student meets school district established criteria for low income status and is attending a school subject to restructuring or corrective action or in its second year of school improvement.² NCLB requires state education agencies (SEA) to take certain measures to promote provider participation in the provision of SES.³ Each SEA must also follow federally established criteria in establishing state standards for approving providers. Each SEA must maintain and disseminate to school districts a list of the approved providers available in each school district.

School districts are required by NCLB to promptly inform parents that the school their child is attending is in need of improvement.⁴ In addition, school districts must provide parents a list of state-approved providers.⁵ Parents may utilize approved programs conducted by a non-profit entity, a for-profit entity, LEA, an educational service agency, a public school, a public charter school, or a private school.⁶

Currently, there are no provisions in Florida law establishing state standards for SES services.

Effect of Proposed Changes:

House bill 1373 establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the DOE, LEA, SES providers, and parents. Many of these requirements are already in federal law and some build on current requirements of federal law.

Department of Education Responsibilities:

- Identify, notify, promote participation, and approve potential providers.
- Develop pre- and post-assessments to identify and target instruction to student needs and monitor the effectiveness of services.
- Maintain a statewide and regional list of approved providers, and make lists available to school districts.
- Develop standards for monitoring quality and effectiveness of provider services.
- Ensure that LEAs have met obligations to parents.
- Notify LEAs of specific schools that are subject to restructuring or corrective action or in the second year of school improvement.

¹ 34 C.F.R. § 200.45.

² U.S. Department of Education, Supplemental Education Services: Quick Reference for Parents, available at http://www.ed.gov/parents/academic/help/supplemental-services.html (Accessed Mar. 16, 2006).

³ Id.

⁴ 34 C.F.R. § 200.37.

⁵ 34 C.F.R. § 200.46.

⁶ 34 C.F.R § 200.47





- Post a downloadable enrollment application on the DOE website.
- Convene an advisory council to assist DOE in developing regulations to guide the selection and oversight of SES providers.

Local Education Agency Responsibilities:

- Provide recurrent notification to parents of eligible students about the availability of SES.
- Assist parents in obtaining and registering for services.
- Determine per-student funding based on federal law limits.
- Follow prescribed procedures for agreements with SES providers.
- Approve providers in a fair and transparent manner and establish procedures for monitoring provider quality and performance.

Provider Responsibilities:

- Set and target instruction to student achievement goals.
- Establish and explain procedures for monitoring progress and notifying parents and classroom instructors of student progress.
- Ensure that all instruction is secular, neutral, and nonideological.

Parent Responsibilities:

- Request services and select a provider.
- Provide transportation to the student when not otherwise provided by the provider.
- Work with providers to set student goals and maintain open communication with the provider.

In addition, the bill establishes eligibility criteria that SES providers must meet to gain state approval and requires the DOE to establish a system for conducting annual evaluations of all SES providers. The bill establishes a complaint process for parents, students, LEAs, and SES providers for determining whether the DOE and LEAs are in compliance with applicable laws and regulations governing SES.

The bill authorizes the DOE to withhold Title I funds from LEAs that fail to provide SES to eligible students.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law governing the provision of SES.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

STORAGE NAME: h1373d.EDC.doc PAGE: 3 4/5/2006

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires the DOE and LEAs to take certain measures to notify parents of eligible students of the availability of supplemental educational services. Private providers approved by DOE may experience an increase in demand for their services.

D. FISCAL COMMENTS:

NCLB requires school districts with schools subject to restructuring or corrective action or in the second year of school improvement to set aside 20% of their Title I funds to pay for SES. The bill requires LEAs to establish per student funding amounts and take certain measures to increase the availability of SES to eligible students. The increased demand for SES that is likely to occur will result in greater expenditures of Title I funds within the 20% set aside for providing SES.

The bill prohibits school districts from using leftover SES funds for other Title I purposes unless the district ensures that a minimum of 50% of eligible students are being served. School districts are required to take additional measures to notify, enroll, and serve SES students and must also obtain a documented denial of services from each parent who does not enroll their student in SES. School districts that fall short of the 50% enrollment criteria despite reasonable efforts to comply with these measures may request authorization from the DOE to redesignate unused SES funds for other Title I purposes.

The bill allows the DOE to withhold Title I funds from school districts that fail to meet certain obligations pertaining to SES services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds; reduce authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the PreK-12 Committee adopted two amendments to the bill. The first amendment provides a procedure for LEAs to redesignate unused SES funds for other Title I purposes. The second amendment establishes an advisory council to assist DOE in developing regulations to guide the selection and oversight of SES providers.

This bill analysis reflects the bill as amended.

STORAGE NAME: DATE:

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4/5/2006

HB 1373

2006 CS

CHAMBER ACTION

The PreK-12 Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to supplemental educational services; providing for student access to and provider accountability for supplemental educational services in Title I schools; providing definitions; providing responsibilities of the Department of Education, local educational agencies, providers of supplemental educational services, and parents to provide additional academic instruction designed to increase the academic achievement of eligible students; providing criteria that must be met by a provider approved by the department; providing for department monitoring and evaluation of provider performance; providing a complaint process for determination of provider and local educational agency compliance with law; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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HB 1373 2006 **cs**

Section 1. Supplemental educational services in Title I schools; student access and provider accountability.--

(1) DEFINITIONS.--As used in this section:

- (a) "Adequate yearly progress" or "AYP" means performance based on a series of performance goals that each school, each local educational agency, and the state must achieve within specified timeframes in order to meet the 100-percent proficiency goal established by the federal No Child Left Behind Act of 2001.
- (b) "Eligible student" means a student from a low-income family who attends a Title I school in the school's second year of school improvement, corrective action, or restructuring, as defined by the No Child Left Behind Act of 2001.
- (c) "Instructor" or "tutor" means a person employed by a supplemental educational service provider to deliver instruction in reading, language arts, or mathematics to eligible students enrolled in the provider's program.
- (d) "Local educational agency" or "LEA" means a local board of education.
- (e) "No Child Left Behind Act of 2001" or "NCLB" is a reauthorization of the Elementary and Secondary Education Act of 1965, which is the principal federal law affecting education from kindergarten through high school. The NCLB is designed to improve student achievement and close achievement gaps. States are required to develop challenging academic standards, educate all students to 100-percent proficiency by 2014, and create and implement a single, statewide accountability system.

(f) "Parent" means the person or persons legally responsible for the guardianship of the student, including a legal guardian.

- (g) "Supplemental educational service providers" or "SES providers" are faith-based organizations, for-profit and nonprofit businesses, local educational agencies, schools, institutes of higher education, community groups, and regional educational service agencies approved by the Department of Education to provide additional academic instruction designed to increase the academic achievement of eligible Title I students.
- (h) "Supplemental educational services" or "SES" means additional academic instruction provided outside the regular school day that is designed to increase the academic achievement of low-income students, as defined by eligibility for free or reduced-price meals, who attend qualifying schools as defined by the No Child Left Behind Act of 2001.
- (i) "Title I" is the Elementary and Secondary Education Act of 1965 program that focuses on improving the academic achievement of disadvantaged students by ensuring that all students have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic standards and assessments.
 - (2) REQUIREMENTS. --

- (a) State responsibilities.--The Department of Education shall:
- 1. Consult with parents, teachers, school districts, and interested members of the public to identify a large number of Page 3 of 19

78 SES providers so that parents have a wide variety of high-79 quality choices.

- 2. Provide and disseminate broadly an annual notice to potential providers outlining the process for obtaining approval to be an SES provider. There shall be at least two opportunities each year for potential providers to submit their applications to the department.
- 3. Develop and apply objective criteria for approving potential providers. Each provider's SES program shall:
- a. Include an appropriate, diagnostic assessment for use in identifying a student's weaknesses and achievement gaps upon which to build an individual student learning plan and learning goals.
- b. Use targeted remediation or instruction that is aimed at addressing a student's skill gaps revealed during the assessment and that is based upon an individual student learning plan.
- c. Include a post assessment linked to the diagnostic assessment to determine whether student learning gains occurred and to further develop a plan for either reteaching skills or identifying new skills for instruction.
- d. Align with the Sunshine State Standards in the area of reading or mathematics, or both.
- e. Supplement the academic program a student experiences in the regular school day.
- f. Use high-quality, research-based instructional practices that are specifically designed to increase students' academic achievement.

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106	4.	Maintain	an	updated	list	of	approved	providers.

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- 5. Exercise authority to investigate and remove providers from the approved list based on evaluation results.
- 6. Make available to school districts a list of available approved providers in their general geographic locations.
- 7. Develop, implement, and publicly report on monitoring standards for providers to ensure the quality and effectiveness of services offered by approved providers.
- 8. Ensure that an LEA has fully met parental demands for SES. In determining whether an LEA has fully met parental demands for SES, the department shall consider whether an LEA has:
- a. Appropriately notified all eligible parents of the availability of SES.
 - b. Adequately publicized options to parents through multiple forums in understandable formats and languages.
 - c. Offered parents a reasonable period of time to investigate their options and submit their requests for SES.
 - 9. No later than May 1 each year, notify LEAs of the specific schools that are in the second year of school improvement, corrective action, or restructuring and have not achieved AYP since such identification.
 - 10. Place on its Internet website a standard, downloadable enrollment application to be used by parents of eligible students, which must be used by all LEAs for SES enrollment purposes.
- 132 11. Convene an advisory committee to assist it in

 133 developing regulations to guide the selection and oversight of

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134	SES providers. These regulations shall be designed in order to								
135	ensure that qualified providers utilize sound practices, provide								
136	financial accountability, and utilize recommended or sufficient								
137	metrics to best gauge provider effectiveness, such as								
138	effectiveness in raising student achievement. The committee								
139	shall include:								
140	a. Two members appointed by the Speaker of the House of								
141	Representatives.								
142	b. Two members appointed by the President of the Senate.								
143	c. Two district school board members appointed by the								
144	Governor.								
145	d. Parents appointed by the Governor.								
146	e. Seven providers representing the different types of								
147	providers in the SES field, such as on-line providers and small								
148	and large for-profit, nonprofit, community-based, district-								
149	based, and faith-based providers, appointed by the Governor.								
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151	The Commissioner of Education or his or her designee shall chair								
152	the committee and submit for approval a proposal to the								
153	Legislature no later than the end of the 2007 legislative								
154	session.								
155	(b) LEA responsibilitiesAn LEA shall:								

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1. No later than 90 days prior to the start of the school

year, notify parents of eligible students about the availability

of SES. Notification shall meet the following criteria:

a. Be sent at least twice annually.

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b. Be provided in an understandable and uniform format

and, to the extent practicable, in a language the parents can

understand.

c. Describe how parents may obtain services.

- d. Provide a minimum of 20 school days for parents to select and notify the LEA regarding a selected provider.
- e. Create a streamlined, one-step SES parent registration and provider selection process that is user friendly.
- 2. Help parents choose a provider, if such assistance is requested, making sure that such assistance is unbiased and does not provide advantage for one provider over another, including the LEA if such LEA is an approved provider, and obtain permission from parents to release assessment data to a selected provider.
- 3. Determine and prioritize students who shall receive services if not all students can be served. Determination shall be made in accordance with eligibility criteria established in federal law and with guidance from the United States Department of Education, ensuring that prioritization does not take place in advance of actual demand being documented and shall be based on the 20-percent set-aside minus any actual costs associated with providing transportation for public school choice pursuant to subparagraph 18.
- 4. Determine the per-student spending limit according to federal law only, which amount shall not be reduced or otherwise altered.
- 5. Ensure that the opportunity to acquire SES is offered to eligible students on a continuous basis or, at a minimum,

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twice every school year, such as once at or near the start of the school year and once at or near the start of each new calendar year. An LEA that does not offer at least two opportunities for SES enrollment shall not amend unobligated SES into the general Title I budget.

- 6. Enter into an agreement with a provider selected by the parent of an eligible student no later than 45 days after the beginning of the school year or within 45 days after receiving notification of school improvement status. The same procedure shall be followed for subsequent enrollments during the school year. An LEA that does not begin to offer SES within such time periods shall not amend unobligated SES funds into the general Title I budget. The agreement shall include, at a minimum:
- a. A statement of specific achievement goals for each eligible student whose parent elects to receive SES from the approved provider.
 - b. A description of how student progress will be measured.
- c. Progress reports for each student to whom a provider gives services under the agreement.
- d. Procedures for obtaining parental consent to release assessment data to a selected provider.
- e. Procedures for termination of the agreement with the provider based on specific and material cause and include an opportunity for the provider to cure any such breach.
- 212 Termination for convenience clauses shall not be allowed.
 - f. The payment process for students receiving SES, with reimbursement for services to occur within 60 days following submission of a complete invoice.

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g. Records of attendance for each student receiving SES.

h. Security of information relating to students receiving
SES.

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- i. The procedure for facility access for providers, using a fair, transparent, and objective process, to operate on site in a school or schools identified for school improvement, corrective action, or restructuring, free of charge or for a reasonable fee, on the same basis and terms as are available to other groups that seek access to the school building.
- j. The process for records maintenance of a provider's SES to students.
- k. Guidelines specifying secular, neutral, and nonideological instruction and content.
- 1. An outline of applicable federal, state, and local laws, and rules and regulations required by law, in connection with providing tutorial service.
- 7. Establish monitoring procedures to ensure that providers fulfill their contractual obligations. Monitoring should include tracking student progress toward meeting the state's academic standards.
- 8. Select an approved provider or providers, using a fair, transparent, and objective process, to operate on site in a school or schools identified for school improvement, corrective action, or restructuring, free of charge or for a reasonable fee, on the same basis and terms as are available to other groups that seek access to the school building. The LEA shall not select a provider or providers based on a reduced perstudent amount as calculated under federal law or other criteria

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that would otherwise be a department responsibility or programmatic design criteria, such as the requirement of specific student-tutor ratios.

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- 9. Enter into a compact with the provider, parent, and student. The compact, which shall be maintained for monitoring purposes, shall include, at a minimum:
- a. A notification letter to the parent of a student who is eligible to receive SES from an approved provider.
 - b. Procedures regarding how the SES provider may contact schools and parents regarding available services.
 - c. Development of a collaborative relationship with the

 LEA to ensure that issues and concerns are handled in a timely

 and efficient manner.
 - d. Specific achievement goals for the student, which shall be developed in consultation with the student's parent.
 - e. An established timetable for improving the student's achievement.
 - f. Selection of a provider from the department's approved provider list.
 - g. Scheduled tutoring sessions.
 - 10. Assist the department as needed in identifying potential providers within the school district.
 - 11. Provide the information the department needs to monitor the quality and effectiveness of the SES offered by providers as specified in federal law.
- 12. Protect the privacy of students who receive SES. The
 LEA shall provide achievement data of students to providers
 serving those students.

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13. Notify parents immediately if a provider becomes ineligible to serve as an SES provider. Notification shall include the steps parents must follow in order to secure another provider.

- 14. Provide approved providers with registration forms and logistical information, including the procedures parents must follow in obtaining SES for their children.
- 15. While appealing an AYP decision, continue to provide services while the appeal is being resolved and a final AYP determination is being made. If an appeal is granted, the LEA shall continue to serve students currently receiving SES until the end of the contract period but is not obligated to provide SES to additional students.
- 16. Include in a school improvement plan steps to ensure that eligible students will receive SES as required by law whenever a school is classified as needing improvement for a second or subsequent year.
- 17. Ensure that eligible students from any school that is in the second year of school improvement, corrective action, or restructuring and has not achieved AYP at least once since such identification shall be offered SES before the start of the school year.
- 18. Set aside up to 20 percent of its Title I, Part A allocation for SES. Before determining that an amount less than 20 percent of its allocation is needed for choice-related transportation and SES, an LEA shall document to the department that it has fully met demands for these services. An LEA must document, and make publicly available, that it has:

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a. Appropriately notified all parents of eligible students of the availability of public school choice and SES.

b. Adequately publicized the options to parents in understandable formats and multiple forums.

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c. Offered parents a reasonable period of time to investigate their options and submit their requests for either public school choice or SES.

308 LEAs may redesignate unused SES funds for other Title I purposes 309 by the May 15 consolidated application budget amendment deadline 310 by ensuring that a minimum of 50 percent of the students 311 eligible to receive SES are served by an approved provider. LEAs 312 not meeting the 50-percent requirement shall submit to the department a list of eligible students, students receiving 313 314 services, and otherwise eligible students on a wait list. LEAs 315 must obtain documentation from the parents of unserved, but 316 otherwise eligible, students that they decline to participate in SES for that school year. LEAs that are unable to meet the 50-317 percent requirement despite reasonable efforts to comply with 318 319 these provisions may submit a request to the department for 320 authorization to redesignate unused SES funds. Redesignation 321 requests shall be approved if the department finds that the LEA 322 has met the requirements of subparagraph (a)8.

- (c) Provider responsibilities. -- The provider shall:
- 1. Agree to negotiate directly with LEAs to determine scheduled sessions per student. Cost of services shall not exceed the per-student spending limit calculated by each LEA.

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CS 2. Set specific achievement goals for each student, which 327 shall be developed in consultation with each student's parent. 328 329 Provide a description of how each student's progress will be measured and how each student's parent and instructors 330 331 will be regularly informed of that progress. 4. Establish a timetable for improving each student's 332 333 achievement. 334 5. Agree not to disclose to the public the identity of any student eligible for or receiving SES without the written 335 permission of the student's parent. 336 6. Agree to meet all applicable federal, state, and local 337 338 health, safety, and civil rights laws. 7. Ensure that all instruction and content are secular, 339 neutral, and nonideological. 340 8. Ensure that instruction is consistent with student 341 342 achievement goals. Agree to abide by the education industry association's 343 current version of the SES code of ethics. 344 Parent responsibilities. -- The parent shall: 345 (d) 346 1. Request SES for the student. Select a provider from the department's approved 347 provider list. 348

3. Transport students to and from the place of service when not provided by the provider.

4. Work with the provider to set achievement goals for the student.

5. Maintain open communication with a provider about a student's progress.

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CODING: Words stricken are deletions; words underlined are additions.

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355 (e) Provider criteria.--

- 1. Providers shall meet the following criteria:
- a. Have a demonstrated record of effectiveness in improving student academic achievement.
- b. Document that the instructional strategies used by the provider are of high quality, based upon research, and designed to increase student academic achievement.
- c. Document that services are aligned with the Sunshine State Standards in the area of reading or mathematics, or both.
- d. Provide evidence that the provider is financially sound.
- e. Document that the provider will provide SES consistent with all applicable federal, state, and local health, safety, and civil rights laws.
- f. Meet all requirements set forth in guidelines issued by the department, including, but not limited to, reporting requirements, application requirements, deadlines, timelines, and standards.
- g. Provide instruction that is secular, neutral, and nonideological.
- 2. Providers applying for statewide provider status upon request shall serve students in any LEA regardless of the geographical location. Providers approved for statewide provider status may be removed from the provider list if this requirement is not met. Providers removed from the statewide list may reapply and specify a geographical area for their service.
 - (f) Monitoring and evaluation. --

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1. The department shall monitor, at least annually, all providers currently serving students. Monitoring shall be conducted at a representative sample of the locations at which the provider serves participating students.

- a. The department shall schedule with the provider a mutually agreeable date and time for a monitoring visit. Prior to a monitoring visit, the department shall send to the provider, in writing, confirmation of the scheduled date and time.
- b. Prior to a monitoring visit, the department shall notify the provider of all documentation necessary to demonstrate compliance with all applicable state and federal laws related to SES. The provider may request technical assistance from the department in identifying the relevant documents.
- c. A provider's performance on each monitoring standard and a provider's overall performance rating shall be indicated on the SES provider monitoring form. The department shall send to the provider, in a timely manner, a copy of the completed monitoring form that includes notes regarding items of documentation that are missing or incomplete.
- 2. The department shall develop specific procedures to annually evaluate all providers that have served students for 2 or more consecutive years in reading, language arts, or mathematics. These procedures shall:
- a. Account for, and be fair to, providers that serve both large and small populations of students and that use varying methods of instruction.

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b. Be fair and sensitive enough to record gains of individual students, especially students whose achievement level is several grades behind grade level.

- c. Isolate the effects of SES from other variables that might affect a student's achievement using regression analysis, comparison groups, or other valid and reliable statistical means.
- d. Collect qualitative data on parental satisfaction with provider services.
- e. Include safeguards against potential conflicts of interests when the LEA is also an approved provider and is involved in provider monitoring and evaluation.
- 3. If the department determines that a provider has failed to contribute to increasing the academic proficiency of students for 2 or more consecutive years in reading, language arts, or mathematics in a specific LEA, the department shall remove the provider from the approved provider list for that LEA.
- 4. The provider shall have the opportunity to appeal the department's decision to the State Board of Education. The provider may reapply to the department for approval after a 1-year waiting period.
 - 5. The department shall require an LEA to submit:
- a. The parental notification letters the LEA has developed and utilized to inform parents of eligible students.
- b. At least twice during the school year, updated information on how many students in the LEA are eligible for SES and how many students make use of SES.

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437 How much money, in total dollars and per student, is 438 being spent by the LEA on SES. 439 (q) Complaint process. --440 The department shall monitor complaints from parents, students, SES providers, school districts, and other individuals 441 442 to determine whether LEAs and SES providers are in compliance with the applicable state and federal laws, rules, regulations, 443 444 and quidance governing the provision of SES. The department 445 shall annually provide a summary report to the State Board of 446 Education. 447 2. An organization or individual may file with the 448 department a signed, written complaint setting forth allegations 449 of noncompliance. The written complaint shall include, at a 450 minimum: 451 a. A clear statement of the allegation. b. A summary of the facts upon which the allegation is 452 453 based. 454 c. Any documentation supporting the allegation. The complainant's contact information, including the 455 name of an individual complainant or an authorized 456 457 representative of the complainant organization and the address and telephone number of the individual or representative. 458 459 Complaints received from an organization or individual 460 shall be signed and addressed in writing to the department. 461 The department shall acknowledge, in writing, its 462 receipt of a complaint within 15 business days. The department shall, in a timely manner, commence an 463

investigation of the allegations set forth in the complaint and

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CODING: Words stricken are deletions; words underlined are additions.

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make an independent determination as to whether the allegations warrant further review or action.

- 6. If necessary, the department may conduct an onsite visit to clarify any issues raised by the complaint. An onsite investigation team may examine relevant records and conduct interviews of relevant persons to determine whether there has been a violation of any applicable state or federal law, rule, regulation, or guideline.
- 7. The department shall send written notification to all appropriate parties of the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This notification may include specific requirements and timelines that must be met in order to ensure that providers other than LEAs continue to receive SES funds from the LEA. LEAs that are providers shall meet the requirements in order to ensure that funds equal to the amount of their SES set-aside are available in the department's grants accounting system.
- 8. Upon conclusion of the department's investigation, the department shall take appropriate action to remedy violations of applicable laws, rules, regulations, or guidelines, including removal of a provider from the approved provider list.
- 9. If the department makes the decision to remove a provider from the approved provider list, the LEA shall be notified no later than 10 business days after the department's action. Each provider notified of the decision shall have the right to appeal such decision prior to its becoming final.

	10.	Ιf	an	LEA	does	not	compl	y wi	th	prov	/iding	SES	to	
elig	ible	stu	dent	s w:	thin	the	estab	lish	ed	time	eframe,	th	<u>e</u>	
depa	rtmer	nt sl	hall	wit	hhol	d fur	nds eq	ual	to	the	amount	of	the	LEA's
SES	set-a	asid	e fu	nds	unti	l the	e LEA	comp	lie	es.				

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11. If funds are withheld from an LEA for not providing SES to eligible students within the specified timeframe, the department may enter into agreements with providers in lieu of the LEA.

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 1419

Scuba Diving Instructional Facilities

SPONSOR(S): Attkisson TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee	6 Y, 0 N	Thomas	Ashworth
2) Education Appropriations Committee	12 Y, 0 N	Hammock	<u>Hamon</u>
3) Education Council		Thomas MOT	Cobb Lcc
4)		····	
5)			

SUMMARY ANALYSIS

The bill provides that scuba diving instructional facilities may be exempt from licensure requirements by the Commission of Independent Education (the Commission) under s. 1005.06, F.S., if they are approved or certified by a dive training organization whose standards have been evaluated and approved by the Commission of Independent Education.

The Commission of Independent Education must find that the dive training organization's standards are substantially equivalent to the Commission's licensure standards.

The bill defines a dive training organization as an organization that publishes definitive courses of recreational diver instruction, courses for the training of recreational diver instructors, and instructor standards of conduct and training procedures.

Scuba diving facilities would no longer be required to pay costs associated with being licensed by the Commission. The Commission currently has 19 licensed scuba diving instructional facilities. The average cost of the license is approximately \$3,000. Although no fees would be collected, the Commission would still have a workload associated with evaluating and approving the standards of the dive training organization.

The Commission is statutorily required to generate fees sufficient to support the annual appropriations of its operation. The loss of revenue of approximately \$57,000 would have to be recovered by increasing the fees assessed to other institutions licensed by the Commission.

The bill provides an effective date of July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME:

h1419d.EDC.doc

DATE:

4/12/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the house principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 1005, F.S., provides for the licensure of nonpublic postsecondary educational institutions and establishes the Commission for Independent Education to function in matters concerning independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview (s. 1005.21, F.S.)

The purpose of the chapter, pursuant to s.1005.01, F.S., includes encouraging privately supported higher education, aiding in protecting the health, education and welfare of persons who receive educational services from independent postsecondary educational institutions in this state, and aiding in protecting independent postsecondary educational institutions that currently operate or intend to begin operating in Florida. Both individuals and independent postsecondary educational institutions benefit from a state system that assures that all institutions satisfactorily meet minimum educational standards.

Section 1005.02(11), F.S., defines "independent postsecondary educational institution" as any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.

The definition of "school" in s. 1005.02(16), F.S., includes any nonpublic postsecondary noncollegiate educational institution, association, corporation, person partnership, or organization of any type which provides an complete postsecondary program of instruction through the students' attendance in the presence of an instructor; in a classroom or other practicum setting, or receives remuneration from the student.

Section 1005.06, F.S., references the institutions that are not required to obtain licensure and therefore are not under the jurisdiction or purview of the commission. That would include institutions that offer only avocational programs, contract training programs, religious colleges with a sworn affidavit, institutions regulated by the Federal Aviation Administration, another agency of the Federal Government or an agency of the state whose regulatory laws are similar in nature to those of the commission.

Commission of Independent Education

Though administratively served by the Department of Education, the Commission exercises independently all powers, duties and functions as prescribed by law. The revenue for the operation of the Commission is generated from the fees established annually by the Commission.

Scuba Diving Instructional Facility

Currently, scuba diving instructional facilities request licensure through the Commission of Independent Education. Applicants are required to achieve 12 standards before the application is presented to the Commission of Independent Education Board for approval. The applications are reviewed by staff who responds to the applicant within 30 days from the date the application is received. The Commission holds board meetings every 2 months where applications are reviewed by the commissioners on the board. The Commission has currently 19 scuba diving instructional facilities licensed by them.

STORAGE NAME:

h1419d.EDC.doc 4/12/2006 The Commission's sub-committee that examines dive schools has identified four reputable dive organizations listed below. These dive organizations currently do not have to receive any type of licensure from the Commission of Independent Education.

National Association of Underwater Instructors (NAUI) P.O. Box 89789 Tampa, FL 33689-0413 800-553-6284 www.naui.org

Professional Association of Diving Instructors (PADI) 30151 Tomas Street Rancho Santa Margarita, CA 92688-2125 800-729-7234 www.padi.com

Scuba Schools International (SSI) 2619 Canton Court Fort Collins, CO 80525 970-482-0883 www.ssiusa.com

Scuba Diving International (SDI) 18 Elm Street Topsham, Maine 04086 888-778-9073 worldhq@tdisdi.com

Effect of Proposed Changes

The bill provides that scuba diving instructional facilities may be exempt for licensure requirements by the Commission of Independent Education if they are approved or certified by a dive training organization whose standards have been evaluated and approved by the Commission of Independent Education.

The Commission must find that the dive training organization's standards are substantially equivalent to the Commission's licensure standards.

The bill defines a dive training organization as an organization that publishes definitive courses of recreational diver instruction, courses for the training of recreational diver instructors, and instructor standards of conduct and training procedures.

C. SECTION DIRECTORY:

- Section 1. Amends s. 1005.05, F.S., providing that certain scuba diving instructional facilities are not under the jurisdiction or purview of the Commission for Independent Education.
- Section 2. Provides and effective date of July 1, 2006

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The scuba diving facilities would no longer be required to pay costs associated with being licensed by the Commission. The average cost of the scuba diving instructional facility license is approximately \$3,000 dollars per year. Actual costs vary per license as outlined below:

- New scuba diving instructional facilities have an initial annual license cost of \$2,000 and \$200 per program.
- o Existing scuba diving facilities have a renewal fee of \$1,500 per year and \$50 per program.
 - Facilities that have been licensed by the Commission for one year and have less than 100 students have a base fee of \$300
 - Facilities that have been licensed by the Commission for one year and have more than 100 students have a base fee of \$900.

D. FISCAL COMMENTS:

Section 1005.35(1), F.S., states that the Commission shall annually establish a fee schedule to generate, from fees, the amount of revenue appropriated for its operation. Though the bill requires the Commission to evaluate and approve the standards of the dive training organization to determine if the standards are substantially equivalent to the licensure of the Commission, no fees would be collected.

The revenue loss to the Commission will be approximately \$57,000 (19 dive schools @ \$3,000 annual license fee.) The approximately 800 schools the Commission currently licenses could have fees increased to compensate for the revenue loss.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that counties and municipalities have to raise revenue.

2. Other:

STORAGE NAME:

h1419d.EDC.doc 4/12/2006 None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 1419 2006

 A bill to be entitled

An act relating to scuba diving instructional facilities; amending s. 1005.06, F.S.; providing that certain scuba diving instructional facilities are not under the jurisdiction or purview of the Commission for Independent Education and are not required to obtain licensure; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (h) is added to subsection (1) of section 1005.06, Florida Statutes, to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.--

- (1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:
- (h) A scuba diving instructional facility that is approved or certified by a recognized dive training organization whose standards have been evaluated and approved by the commission as standards substantially equivalent to the licensure standards of the commission. For purposes of this paragraph, a recognized dive training organization is an organization that publishes definitive courses of recreational diver instruction, courses for the training of recreational diver instructors, and instructor standards of conduct and training procedures.

Section 2. This act shall take effect July 1, 2006.

Page 1 of 1

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 1619 CS

SPONSOR(S): Murzin

lurzin

TIED BILLS:

IDEN./SIM. BILLS:

Supplemental Powers and Duties of District School Boards

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	6 Y, 0 N, w/CS	Hassell	Mizereck
2) Education Appropriations Committee	15 Y, 0 N, w/CS	Eggers	Hamon
3) Education Council		_ Beagle 615	Cobb Cer
4)			
5)			

SUMMARY ANALYSIS

The bill includes several provisions impacting district school boards in the areas of student dress codes, the purchase of food with federal funds when permitted, selection of class ring vendors, senior photographs, and student transportation.

The bill may increase the number of students who choose to buy class rings or senior photographs from vendors not under contract with the district school board.

The bill has an effective date of July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. STORAGE NAME: h1619d.EDC.doc

DATE:

4/14/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill places certain requirements on district school boards' selection of class ring vendors and photographers.

Safeguard Individual Liberty-- The bill requires districts to provide information so that students know they may purchase class rings from vendors not under contract with the school district. The bill allows students to wear sun-protective clothing while outside during the school day.

B. EFFECT OF PROPOSED CHANGES:

Dress Codes and Sun-Protective Clothing

Section 1001.43, F.S. grants district school boards authority to adopt dress codes and school uniform policies. House bill 1377 specifically allows students to wear sun-protective clothing while outside during school hours.

Purchase of Food

The federal Title I program allows the use of funds for the purchase of food by eligible schools for the purpose of carrying out the required activities of the program. Such activities include parental involvement events where schools have provided snacks and drinks.

In conflict with this allowance, "The Reference Guide for State Expenditures" produced by the Division of Accounting and Auditing in the Department of Financial Services, specifically prohibits the purchase of food and beverages unless expressly provided by law. As a result, some districts have received state audit criticisms for these purchases.

The bill will resolve these audit criticisms by allowing the use of federal funds to purchase food when federal program guidelines permit such use.

Class Ring Vendors

Florida law grants local district school boards authority to control K-12 education operations in the district. Educational curricula, facilities operation and maintenance, student discipline and attendance policies, transportation, reporting, and record keeping are among the duties prescribed to district school boards in statute. ¹

The bill establishes criteria that district school boards must follow in selecting vendors to market class rings. The bill requires school districts that choose to contract with a class ring vendor to contract with at least two vendors. The bill requires that selected vendors may not intimidate students and that students be allowed to purchase class rings from any vendor and participate in class ring ceremonies regardless of their choice of class ring vendor. The bill requires district school boards to provide written notification to students and parents that students may purchase a class ring through any vendor, regardless of the district's contractual arrangements.

Senior Yearbook Photographs

The bill requires school districts that contract with a photographer for the purpose of taking student yearbook photos to contract with at least two photographers. The bill specifies that a student's senior photo must be allowed to appear in the school yearbook regardless of the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff.

Student Transportation

Florida law governing student transportation limits the types of vehicles that may be used to transport students.² Subject to limited exceptions, students must be transported on school buses. Currently, students may not be transported to school related activities in school or school district-owned passenger vehicles or light trucks. This has caused particular disruptions to agricultural education programs.

The bill specifies that school or school district-owned passenger vehicles or light trucks may be used to transport students to and from school sites or agricultural education related events or competitions. The bill also allows students to drive the vehicle on school or private property for limited purposes relating to the agricultural education curriculum.

The bill takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s. 1001.43, F.S.; providing that students may wear sun protective clothing while outside during school hours and authorizing the use of federal funds to purchase food when federal program guidelines permit such use.

Section 2. Amends s. 1003.02, F.S.; providing certain requirements pertaining to class ring vendors and yearbook photographs.

Section 3. Amends s. 1006.22, F.S.; providing an exception to student transportation requirements.

Section 4. Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

² Section 1006.22, F.S.

STORAGE NAME: DATE:

h1619d.EDC.doc 4/14/2006 This bill may increase the number of students choosing to buy class rings or senior photos from vendors not under contract with the district school board.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006 the PreK-12 Committee adopted a strike-all amendment and one amendment to the strike-all.

- The strike-all amendment adds provisions pertaining to sun-protective clothing, class ring vendors, and student transportation to the contents of the bill
- The amendment to the strike-all states that a student's senior photo must meet the specifications of the school principal and yearbook staff. The original bill stated that it need only meet the specifications of the yearbook staff.

On April 11, 2006, the Education Appropriations Committee adopted an amendment allowing the use of federal funds to purchase food when federal program guidelines permit such use.

STORAGE NAME: DATE:

CHAMBER ACTION

The Education Appropriations Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to district school boards; amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program quidelines permit such use; amending s. 1003.02, F.S.; authorizing district school boards to select vendors to market student class rings; providing criteria for selection of such vendors; requiring district school boards to notify students and parents that the purchase of a class ring may be through any vendor marketing class rings and that a student may participate in related ceremonies or activities regardless of the vendor through which the purchase was made; authorizing district school boards to contract with photographers for the purpose of taking student yearbook photographs and providing requirements; permitting the inclusion of certain photographs in student yearbooks; amending s. 1006.22,

Page 1 of 7

F.S.; revising provisions for district school board transportation of students in vehicles other than school buses; authorizing use of such vehicles for mid-day trips and other trips to and from certain sites and activities; revising criteria for such vehicles and their use; requiring district school boards and charter schools to adopt a policy that addresses procedures and liability for trips using vehicles other than school buses; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (b) of subsection (1) of section 1001.43, Florida Statutes, is amended, and paragraph (g) is added to subsection (2) of that section, to read:

1001.43 Supplemental powers and duties of district school board.--The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

- (1) STUDENT MANAGEMENT.--The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:
- (b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel. However, students may wear sunglasses, hats, or other sun-protective wear

Page 2 of 7

while outdoors during school hours, such as when students are at recess.

- (2) FISCAL MANAGEMENT.--The district school board may adopt policies providing for fiscal management of the school district with respect to school purchasing, facilities, nonstate revenue sources, budgeting, fundraising, and other activities relating to the fiscal management of district resources, including, but not limited to, the policies governing:
- (g) Use of federal funds to purchase food when federal program guidelines permit such use.

Section 2. Subsections (5) and (6) are added to section 1003.02, Florida Statutes, to read:

1003.02 District school board operation and control of public K-12 education within the school district.--As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(5)(a) If selecting a vendor to market class rings to students, select at least two vendors. Vendors selected by the district school board must not intimidate students with respect

Page 3 of 7

to the purchase of class rings or discriminate against a student who purchases a class ring from another vendor by excluding the student from participating in any ceremony or activity relating to the receipt of a class ring.

- (b) Notify in writing each student and his or her parent that the student may purchase his or her class ring through any vendor regardless of the fact that the district school board may contract with vendors for marketing class rings. The notification must include an explanation of the right of each student purchasing a class ring to participate in any ceremony or activity relating to the receipt of a class ring.
- (6) If entering into a contract with a photographer for the purpose of taking student yearbook photographs, select at least two photographers. A student's senior photograph must be allowed to appear in the yearbook when taken by a photographer not under contract with the district school board if the photograph meets the reasonable specifications of the principal and yearbook staff for senior photographs.
- Section 3. Subsection (1) of section 1006.22, Florida Statutes, is amended to read:
- 1006.22 Safety and health of students being transported.--Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1) (a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

- <u>1.(a)</u> When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.
- 2.(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.
- 3.(e) When the transportation is provided through a public transit system.
- 4.(d) When the transportation is for mid-day trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions. When the transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle

Page 5 of 7

designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover warning label may not be used.

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- When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must be used unless the student's physical condition prohibits such use.
- When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:
- The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.
- 2. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.
- The driver of an authorized vehicle transporting students must maintain a valid driver's license and must comply

Page 6 of 7

163 with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.

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- 4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.
- Section 4. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

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Bill No. 1619

COUNCIL/COMMITTEE ACTION				
ADOPTED	(Y/N)			
ADOPTED AS AMENDED	(Y/N)			
ADOPTED W/O OBJECTION	(Y/N)			
FAILED TO ADOPT	(Y/N)			
WITHDRAWN	(Y/N)			
OTHER				
Council/Committee hearing bill: Education Council Representative Arza offered the following:				
Amendment (with title amendment)				
Remove line 171 and	d insert:			
Section 4. Section	n 1013.501, Florida Statutes, is amended			
to read:				

- 1013.501 A Business-Community School (ABC'S) Florida Business and Education in School Together (Florida BEST) Program. --
- In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs of educational facilities construction, the Legislature intends to encourage the formation of partnerships between business and education by creating A Business-Community School (ABC'S) the Florida Business and Education in School Together (Florida BEST) Program.

local media and other means, request proposals from area

partnership school in facilities owned or operated by the

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business. (3) Each school district shall establish an ABC'S a Florida BEST school evaluation committee.

businesses to allow the operation of a business and education

(a) The committee shall be appointed by the school board and be composed of one school district administrator, at least one member of the business community, and at least one member of a local chamber of commerce.

(2) Each school board shall, through advertisements in

- The committee shall evaluate the feasibility of each proposal, including the operating cost, number of students to be served, proposed student-to-teacher ratio, proposed number of years the satellite school would operate, and any other operational or facilities considerations the school board or committee deems appropriate.
- The committee shall recommend to the school board those proposals for satellite schools which the committee deems viable and worthy of being established. The school board must take official action on the recommendation of the committee within 60 days after receipt of the recommendation.
- "A Business-Community School (ABC'S) "Florida Business and Education in School Together (Florida BEST) school" is defined as a public school offering instruction to students from kindergarten through third grade. The school may offer instruction in any single grade level or for multiple grade levels. ABC'S Florida BEST schools shall comply with the constitutional class size requirements.

- (a) First priority for admission of students to the ABC'S Florida BEST school shall be given to the children of owners and employees of the host business. If additional student capacity remains after those children are admitted, the host business may choose which other neighboring businesses may also participate to generate a viable number of students for the school. The school board shall make the necessary arrangements to accommodate students from other school districts whose parents are associated with the host business or business partners.
- (b) Parents shall be responsible for providing transportation to and from school for the students.
- (5) A multiyear contract for operation of the ABC'S Florida BEST school may be entered into between the school district and the host business. The contract must at least include provisions relating to any cost of facilities modifications, provide for the assignment or waiver of appropriate insurance costs, specify the number of students expected to be served, provide grounds for canceling the lease, and specify the advance notice required before the school may be closed.
- (a) The school board shall be responsible for providing the appropriate instructional, support, and administrative staff and textbooks, materials, and supplies. The school district may also agree to operate or contract for the operation of a beforeschool and after-school program using the donated facilities.
- (b) The host business shall provide the appropriate types of space for operating the school. If special facilities, such as restrooms or dining, recreational, or other areas are required, the district may contribute a part of the cost of the construction, remodeling, or renovation for such facilities from

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

capital outlay funds of the district. A multiyear lease for operation of the facility must be agreed to if the school district contributes to the cost of such construction.

Section 5. Section 1013.502, Florida Statutes, is amended to read:

1013.502 ABC'S Florida BEST school facilities; standards.—Notwithstanding any local government ordinance or regulation, any business or corporation may expand the square footage or floor area of its current or proposed facility to accommodate an ABC'S a Florida Business and Education in School Together (Florida BEST) school. Facilities constructed to house an ABC'S a Florida BEST school must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37 and must meet state and local health, environmental, and safety laws and codes.

Section 6. This act shall take effect July 1, 2006.

Remove lines 31-32 and insert:

trips using vehicles other than school buses; amending ss. 1013.501 and 1013.502, F.S.; redesignating the Florida Business and Education in School Together (Florida BEST) Program as A Business-Community School (ABC'S) Program; providing an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 1619

COUNCIL/COMMITTEE	ACTION			
ADOPTED	(Y/N)			
ADOPTED AS AMENDED	(Y/N)			
ADOPTED W/O OBJECTION	(Y/N)			
FAILED TO ADOPT	(Y/N) ·			
WITHDRAWN	(Y/N)			
OTHER				
Council/Committee hearing bill: Education Council				
Representatives Murzin and Baxley offered the following:				

Amendment

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On page 5, remove lines 127 through 130 and insert:

4. (d) When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but not for customary transportation between a student's residence and such sites. When the transportation of students is necessary

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #:

HB 7103 CS

PCB CI 06-03 Charter Schools

SPONSOR(S): Choice & Innovation Committee and Stargel

TIED BILLS:

IDEN./SIM. BILLS: SB 2424

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Choice & Innovation Committee	7 Y, 0 N, w/CS	Hassell	Kooi
1) Education Appropriations Committee 2) Education Council 3)	11 Y, 0 N, w/CS	Eggers Hassell	Hamon Cobb
5)			

SUMMARY ANALYSIS

The bill substantially amends provisions of s. 1002.33, F.S. related to charter schools. The bill adds new fiscal accountability requirements related to the charter school's annual financial report and new academic accountability requirements for charter schools graded D or F. The bill revises the responsibilities of the Department of Education (DOE), of charter school sponsors, and charter school governing boards.

The bill makes changes to the application process, review and appeal, the initial term and renewal of charter agreements, and procedures for nonrenewal, termination and immediate termination of charter schools. It requires the DOE to offer technical assistance to charter school applicants, to develop a uniform, on-line charter school accountability report and a standard charter and renewal format, and to regularly convene a Charter School Review Panel.

The bill requires district school boards to make timely payments to charters and authorizes the Commissioner of Education to withhold lottery funds from a school district that repeatedly fails to do so. Furthermore, the bill authorizes the State Board of Education to impose fines or withhold lottery funds for districts that violate the procedural requirements for charter school application, termination, or nonrenewal appeals.

The bill requires school districts to provide to charter schools services related to food service eligibility and reporting duties so that the school lunch services under the federal lunch program are provided by the school district to the charter school at the school's request. The bill requires school districts to annually provide as part of their 5 year workplan the number of existing vacant classrooms in each school that the district does not project will be needed for the following year. The DOE may recommend that the district make such space available to an appropriate charter school.

The bill extends educator professional liability coverage to all full-time charter school instructional personnel and eliminates priority given to transitioning students of military families.

The bill makes conforming changes to the provisions of law related to financial management.

The bill does not appear to have a fiscal impact. See the FISCAL COMMENTS section of the analysis.

The bill provides for an effective date of July 1, 2006.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives. h7103c.EDC.doc

STORAGE NAME: DATE:

4/14/2006

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill requires the Department of Education (DOE) to staff the Charter School Review Panel and to create a standard charter format and charter renewal format to be used as guidelines by charter school sponsors.

B. EFFECT OF PROPOSED CHANGES:

Background

The Florida Legislature authorized charter schools in 1996. Since their introduction in 1996, the number of charter schools operating in Florida has grown from 5 to 333. In 1996, the 5 schools served 574 students and in 2005-06 the 333 schools currently serve approximately 92,158 students. The legislative principles guiding Florida charter schools are to meet high standards of student achievement while increasing parental choice within the public school system, align responsibility with accountability, and provide parents with sufficient information relating to their child's reading level and learning gains.

As provided in s. 1002.33, F.S., charter schools are nonsectarian public schools of choice that operate under a performance contract (a charter) with a public sponsor. Under current law, district school boards are the only entities that can sponsor charters, although upon appeal the State Board of Education may decide that the district school board must approve or deny an application.⁴ Additionally, four state universities are currently authorized to grant charters and sponsor development research (laboratory) schools created under 1002.32, F.S.⁵ The charter is an agreement signed by the governing body of the school and the sponsor that addresses all major issues involving the operation of the charter school including, but not limited to, the school's mission, students served, curriculum, methods of student academic assessment, method for conflict resolution, financial and administrative management, and the term of the charter. Charter schools are often free from many state and local regulations and mandates, but are held accountable to the sponsor that grants their application and to the parents who choose them for the academic and financial performance of the school and its students.

Effects of Proposed Changes

Purpose of Charter Schools

The statutory purpose of charter schools is to improve student learning and academic achievement, increase learning opportunities of all students, create new professional opportunities for teachers, encourage the use of innovative learning methods, and measure learning outcomes.⁶ Currently, charter schools may fulfill the following purposes: create innovative measurement tools, provide rigorous competition within the public school district, expand the capacity of the public school system, and mitigate the educational impact created by the development of new residential dwelling units.

¹ www.floridaschoolchoice.org

² *Id*.

³ FLA. STAT. ch. 1002.33(2)

⁴ FLA. STAT. ch. 1002.33(5),(6)

⁵ S. 1002.32(2), F.S., provides that for the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, and the University of Florida, and other universities approved by the State Board of Education and the Legislature are authorized to sponsor a lab school.

The bill requires charter schools to improve student learning and academic achievement, increase learning opportunities for all students with emphasis on low-performing students, encourage the use of innovative learning methods, and to require the measurement of learning outcomes. Also, it revises the list of purposes that a charter school may fulfill to include the option of creating new professional opportunities for teachers.

Application for Charter Status

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state. Alternatively, a public school that has been in operation for at least two years may convert to a charter school pursuant to an application by the district school board, the principal, teachers, parents, and/or the school advisory council. The bill clarifies that a public school-within-a-school that is designated as a school by the district school board may also submit an application to convert to charter status.

Under current law, district school boards must notify conversion charter school applicants that their application has been denied within 30 days of the school board meeting denying their application. On the other hand, district school boards only have 10 days after the meeting to notify charter school applicants that their application has been denied. Thus, the bill makes consistent the requirement that district school boards notify both conversion charter school applicants and charter school applicants within 10 days of the meeting denying their application.

Sponsor Duties

Currently, only a district school board may sponsor a charter school in the county where the district school board has jurisdiction. However, a state university may grant a charter to a lab school in which case the university is considered to be the charter lab school's sponsor. Sponsor duties include, but are not limited to, monitoring and reviewing the charter school's progress towards the established goals, monitoring the charter school's revenues and expenditures, and ensuring that the charter school participates in the state's education accountability system.

The bill provides that the sponsor's policies do not apply to charters schools unless they are mutually agreed to by the sponsor and the charter school. Additionally, sponsors must provide charter schools with reasonable and specific justification before imposing additional reporting requirements on charter schools. These provisions provide additional measures to ensure that sponsors do not place unnecessary requirements on charter schools.

Application Process and Review

Section 1002.33(6), F.S., provides for the application process and review of a charter school. A person or entity wishing to open a charter school prepares and submits an application to be considered by a district school board on or before September 1 of each calendar year. Applications are required to be approved or denied by majority vote within 60 calendar days after the application is received, unless the applicant and the district school board mutually agree to postpone the vote to a specific date. If the district school board fails to act on the application then the applicant may appeal to the bill. If the district school board denies an application, the board must notify the applicant in writing and cite specific reasons based upon good cause for denying the application.

⁷ s. 1002.33(3), F.S.

⁸ *Id*.

⁹ s. 1002.33(5), F.S.

¹⁰ *Id*.

¹¹ s. 1002.33(5)(b), F.S.

Current law provides charter school applicants with procedures for appeal to the Charter School Appeal Commission if the charter has been denied, not renewed, or terminated or if mediation has failed to resolve disputes over contract negotiations. ¹² The Charter School Appeal Commission may receive and review documents forwarded to the SBE, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. Decisions by the Charter School Appeal Commission are not subject to the provisions of the Administrative Procedures Act. The SBE must consider the commissioner's recommendation; however, the SBE is not bound by the recommendation.

Subsequent to the approval of the charter school application, the DOE is required to provide mediation services for any dispute relating to the charter's provisions and any dispute relating to the approved charter, except for disputes relating to charter school application denials. A dispute, except a dispute pertaining to charter school application denial, may be appealed to an administrative law judge if the Commissioner of Education determines that the dispute cannot be settled through mediation. ¹³

The bill provides that beginning with the 2007-2008 school year, the charter school application deadline is changed from September 1 to August 1. Also, in instances where the district school board denies an application, the bill requires the board to provide the applicant and the DOE with supporting documentation stating the specific reason for the denial of the charter application.

The bill clarifies that the SBE's decision is final action subject to judicial review in the district court of appeal and that an administrative law judge may not rule on issues relating to the denial of an application or on issues relating to the termination or nonrenewal of a charter. Also, the bill removes the provision that allows disputes over contract negotiations that have not been resolved through mediation to go before the Charter School Appeal Commission.

The bill directs the DOE to offer training and technical assistance to charter school applicants on issues related to the financial and business side of charter school operation. According to OPPAGA, charter schools face considerable challenges related to start-up and facilities related costs that put charter schools at risk for chronic financial deficits. More specifically, new charter schools may underestimate the high start-up and facilities related costs associated with opening a charter school and are unable to obtain sufficient funds to cover these costs associated with opening. 14 Thus, the bill requires that the assistance offered by the DOE must address estimating start-up costs, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the charter school will be eligible to receive.

Charter Agreement

A charter is a written contractual agreement between the sponsor and the charter school's governing board that sets forth the terms and conditions for the operation of a charter school. The initial term of a charter may be 3, 4, or 5 years and is to be renewed every 5 years if the criteria have been successfully accomplished and if none of the grounds for nonrenewal are documented. For easier access to long-term financial resources for facility construction, current law allows a charter school operated by a municipality or other public entity or a charter lab school to be eligible for up to a 15-year charter. However, a charter school that is operated by a private, not-for-profit, s. 501(c)(3) status corporation is only eligible for up to a 10-year charter.

The bill requires that initial proposed contract be provided to the charter school within 60 days and the applicant and the sponsor then have 75 days thereafter to negotiate the final terms of the contract. It requires the proposed charter to be provided to the charter school at least 7 days prior to the vote of the sponsor. This gives the charter school an opportunity to review the proposed charter and to ensure

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¹² s. 1002.33(6), F.S.

¹⁴ OPPAGA Report Number 05-11: Charter School Application Requirements Are Reasonable; Financial Management Problematic, March 2005, p. 7.

that all provisions of the agreement have been codified in the charter. Also, the bill changes the initial charter term to 4 or 5 years and revises the provision so that a charter school operated by a private, not-for-profit, s. 501(c)(3) status corporation is also eligible for up to a 15-year charter.

The bill provides that a charter is to be automatically renewed if the criteria have been successfully accomplished and if none of the grounds for nonrenewal were documented. Additionally, the bill provides that the 15-year charter renewal shall be granted if the school has received a grade of "A" or "B" in 3 of the past 4 years and is not in a state of financial emergency or a deficit financial position.

Financial Oversight

Lack of expertise in education budgeting and finance and with government accounting conventions are additional challenges facing charter schools. Identifying and assisting charter schools with deteriorating financial conditions is challenging without complete, accurate, and timely financial data. ¹⁵ According to an OPPAGA report, it is important for the DOE to take a more proactive approach with charter schools in their first years of operation and to have more effective methods to identify and assist charter schools either at risk of financial difficulty or in need of assistance to overcome financial deficit. ¹⁶ Furthermore, in the November 1, 2004-October 31, 2005 Florida Auditor General Annual Report ¹⁷, the Auditor General determined that the laws governing charter schools do not contain comparable reporting requirements for charter schools operating with deteriorating financial conditions. ¹⁸ Therefore, the Auditor General recommended that, at a minimum, the auditor notify the governing board of the charter school of the deficit financial position and that those charter schools should be required to file a detailed financial recovery plan with the sponsoring district school board. ¹⁹

The bill addresses the OPPAGA findings and the Auditor General recommendations by detailing procedures the charter school, the sponsor, and the charter school governing board must follow when a state of financial emergency exists. The charter is required to specify that the auditors of a charter school whose internal audit or an annual financial audit reveals a state of financial emergency or deficit financial position must notify the charter governing board, the sponsor, and the DOE. ²⁰ The auditor is also required to report, within 7 working days, such findings in the form of an exit interview to the principal or principal administrator of the charter school and the chair of the governing board. Charter schools that are found to be in a state of financial emergency must file a detailed financial recovery plan with the sponsor and the DOE is required to establish guidelines for the development of such plans. The governing board is also required to maintain oversight of the charter school by ensuring an annual audit report is conducted, reviewing and approving the report and monitoring a financial recovery plan, if implemented.

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¹⁵ OPPAGA Report Number 05-11: Charter School Application Requirements Are Reasonable; Financial Management Problematic, March 2005, p. 1.

¹⁶ Id. at 11. OPPAGA recommended clarifying the Department of Education's role to include the following responsibilities: ensuring that technical assistance is available to charter schools for developing business plans and estimating costs and income is available; ensuring that training and technical assistance is provided for administrators in planning, budget, management, and financial reporting; developing a monitoring system that includes a comprehensive list of financial indicators to be used for the early identification of charter schools at greatest risk for financial difficulty; ensuring that training and technical assistance is provided to charter schools in deteriorating financial conditions; annually reporting schools identified as being at risk for financial difficulties and the actions that have been taken to assist the school; and developing a modified annual financial report for charter schools with additional guidelines for expenditure reporting.

¹⁷ The Auditor General Annual Report Numbers 2005-054 and 2006-034, Report on Significant Findings and Financial Trends in Charter Schools and Charter Technical Career Center Audit Reports Prepared by Independent CPAs, November 2004 – October 2005.

¹⁸ FLA. STAT. ch. 219.39(5), requires the auditor of a local governmental entity or district school board to notify each member of the governing board for which deteriorating financial conditions exist that may result in a state of financial emergency as defined by Section 218.503, Florida Statutes.

¹⁹ The Auditor General Annual Report Numbers 2005-054 and 2006-034; OPPAGA at 12.

²⁰ See s. 218.503, F.S., Determination of financial emergency

Nonrenewal or Termination of Charter

Current law provides that sponsors may choose not to renew or terminate the charter if the charter school fails to participate in the state's education accountability system, fails to meet generally accepted standards of fiscal management, violates a state law, or if other good cause is shown.²¹ Sponsors are required to notify the governing body of the school of the proposed action at least 90 days prior to the nonrenewal or termination. The charter school may request, within 14 days after receiving the notice, an informal hearing before the sponsor. The informal hearing must be conducted within 30 days by the sponsor. The charter school's governing board may appeal the sponsor's decision to not renew or terminate within 14 days after receiving the sponsor's decision.

The bill specifies that a sponsor may choose not to renew, terminate or immediately terminate a charter based on the sponsor's determination that the health, safety, and welfare of the students is threatened rather than for the current law provision of good cause shown. It also provides the sponsor with the authority to not renew or terminate a charter for material breach or repeated violations of the term of the charter. In the event of nonrenewal, termination, or immediate termination, the bill revises the notification requirements and appeals procedure so that they are consistent with the procedures that a sponsor and an applicant must follow when an application for charter status has been denied.²²

Currently, when a charter is not renewed or is terminated, the school is dissolved and any unencumbered public funds, except capital outlay funds, from the charter school revert to the district school board. The unencumbered capital outlay funds revert to the DOE for redistribution among eligible schools. The bill revises this provision so that the unencumbered public funds, except capital outlay funds and federal charter school program grant funds, revert to the sponsor when a charter is not renewed or is terminated and the school is dissolved. Likewise, the unencumbered federal charter school program grant funds would revert to the DOE for redistribution among eligible schools.

Charter School Requirements

Charter school requirements include, but are not limited to, the following: charter schools must be nonsectarian in their programs, admission policies, employment practices, and operations; charter schools must be accountable to their sponsors for performance; charter schools must meet all applicable state and local health, safety, and civil rights requirements; charter schools must provide for an annual financial audit; charter schools must maintain all financial records which constitute their accounting system; charter schools' governing boards must annually adopt and maintain an operating budget, exercise continuing oversight on charter school operations, and annually report progress to their sponsor; and charter schools must provide instruction for at least the number of days required by law.²³

The bill expands the duties of governing boards relating to academic oversight for charter schools that receive a grade of D or F. The director and a representative of the governing board of a charter school that has received a school grade of D are required to appear before the sponsor at least once a year to present information on each contract component having noted deficiencies. The sponsor is also required to communicate at the meeting the services provided to the school to help address the noted deficiencies. The governing body of a charter school that receive a grade of D for 2 consecutive years or a grade of F is required to submit to the sponsor a school improvement plan to raise student achievement. The governing body is required to appear before the sponsor at least once a year to present information on the corrective strategies that are being implement pursuant to the school improvement plan. The bill establishes requirements for the school improvement plan and makes available corrective actions that charter school governing boards must follow if there is not an improvement in student performance.

²³ S. 1002.33(9), F.S.

²¹ s. 1002.33(8), F.S.

²² see Application for Charter Status on p. 3

The bill requires the DOE to offer technical assistance and training to the governing board and establish guidelines for developing, submitting, and approving school improvement plans. Also, the DOE is required to develop a uniform, on-line annual accountability report for charter schools to complete. The governing board of the charter school is required to use this standard form to report its annual progress to the Commissioner of Education.

Funding of Charter School Student Enrollment

Currently, students enrolled in a charter school are funded in the same way as all other public school students in the school district. Thus, each charter school must report its student enrollment to the school district and the school district must include each charter school's student enrollment in its report of student enrollment that is submitted to the state in October and February of each school year.²⁴ Current law provides that district school boards are required to make every effort to ensure that charter schools receive timely and efficient reimbursement.²⁵

The bill requires the district school boards to make timely and efficient payments and reimbursements to charter schools and allows the Commissioner of Education to withhold lottery funds if districts repeatedly fail to do so. Further, if a warrant for payment is not issued within 10 working days, rather than the current law requirement of 30 working days, after receipt of funding by the district school board then the district school board is required to pay the charter school the amount of the scheduled disbursement and interest at a rate of 5% per month. This changes the interest rate from 1% to 5% per month. Also, the interest rate is calculated on a daily basis on the unpaid balance from the expiration of the 10-day period until the warrant is issued. Increasing the interest rate may influence school district to make timely disbursements.

The bill provides the SBE authority to impose a fine, not to exceed \$10,000, or withhold lottery funds for districts that violate the procedural requirements for charter school application, termination, and non-renewal appeals regardless of whether the violation effects the fairness of the appeal process or the correctness of the action taken by the district. The bill provides for procedural requirements for the imposition of such penalties. However, the SBE is required to provide the district with notice of the proposed fine and the opportunity to be heard at a subsequent meeting of the SBE prior to the imposition of the fine or withholding of lottery funds.

Facilities

The bill clarifies that a start-up charter school, not the current law requirement of a charter school, is required to utilize facilities that comply with the Florida Building Code²⁶ except for the State Requirements for Educational Facilities (SREF). The bill requires conversion charter schools to comply with SREF if the district and the charter school have entered into a mutual management plan with sufficient funding from the district to comply with SREF.

Current law provides that any facility or a portion of the facility that is used to house an approved charter school is exempt from ad valorem taxes pursuant to s. 196.1983.²⁷ The bill specifies that the following facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations: libraries, community service facilities, museums, performing arts facilities, theatres, cinemas, churches, community colleges, colleges, and universities.

²⁴ s. 1002.33(17), F.S.

²⁷ s. 1002.33(18)(c), F.S.

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²⁵ s. 1002.33(17)(d), F.S.

²⁶ Pursuant to chapter 533.

Current law provides that charter school facilities are exempt from assessments of fees for building permits and licenses and impact fees or service availability fees. ²⁸ The bill provides that charter school facilities are also exempt from payment of fees for occupational licenses.

The bill requires school districts to annually provide as part of their 5 year workplan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes the following school year. The DOE may recommend that the district make such space available to an appropriate charter school.

Any facility or property of the district school board that becomes available because it is surplus, marked for disposal, or otherwise unused is made available to the charter school on the same basis as it is made available to other public schools in the district.²⁹ The bill provides that the charter school, not the charter organizer, is required to agree to reasonable maintenance provisions that ensure that the facility is maintained in a manner similar to district school board standards.

Services

Currently, a school district provides the following administrative and educational services to charter schools: contract management services, full-time equivalent and data reporting services, exceptional student education administration services, test administration services, processing of teacher certificate data services, and information services.³⁰ Administrative fees for the above services that may be charged by the district to a charter school are 5% of the available per student FEFP funds.

The bill provides for food service eligibility and reporting duties so that the school lunch services under the federal lunch program are provided by the school district to the charter school at the school's request. The bill clarifies that sponsors are required to provide charter schools the performance data for each student in their school in the same manner provided to other public schools in the district. The bill allows school districts to withhold 5% or less of the administrative fee.

Public Information on Charter Schools

The DOE is required to provide information directly to the public and through sponsors regarding how to form and operate a charter school and how to enroll in a charter school.³¹ The bill provides that in addition to the standard application format, the DOE is required to create a standard charter format and standard charter renewal format that are to be used as guidelines by charter school sponsors.

Charter School Review Panel and Legislative Review

The bill provides that the DOE is required to staff and regularly convene a Charter School Review Panel to review issues, practices, and policies relating to charter schools. The bill requires a review of the operation of charter schools during the 2010 Regular Session of the Legislature.

Personnel

Beginning July 1, 2007, the bill provides for educator professional liability coverage for all full-time charter school instructional personnel, requires that educator professional liability coverage be extended at cost to all part-time charter school instructional personnel, and requires that educator professional liability coverage be extended at cost to all administrative personnel.

Student Preference

²⁸ Exemption from assessment of fees for building permits except as provided in s. 553.80, F.S.

²⁹ s. 1002.33(18)(f), F.S.

³⁰ s. 1002.33(20), F.S.

³¹ s. 1002.33(21), F.S.

The bill eliminates the priority given to transitioning students from military families on admission to charter schools.

C. SECTION DIRECTORY:

- Section 1. Amends s. 1002.33, F.S., relating to charter schools; revising the purpose of charter schools; revising the charter school application process and sponsor duties; requiring the DOE to provide technical assistance to charter school applicants; revising provisions relating to charter agreement, including nonrenewal or termination of charter; revising charter school requirements, including procedural requirements for charter schools found to be in a state of financial emergency; revising duties of charter school governing boards; providing procedures for charter schools to raise student achievement; revising provisions relating to funding of charter school student enrollment; authorizing zoning and land use designations; revising exemptions; revising provisions relating to services and the administrative fee requirement.
- Section 2. Amends s. 218.39, F.S., adding references relating to charter schools and annual financial audit reports.
- Section 3. Amends s. 218.50, F.S., revising the short title of ss. 218.50-218.504, F.S., to include charter schools.
- Section 4. Amends s. 218.501, F.S., adding a charter school reference.
- Section 5. Amends s. 218.503, F.S., adding references relating to charter schools and the determination of financial emergency.
- Section 6. Amends s. 218.504, F.S., adding references relating to charter schools and the cessation of state action.
- Section 7. Amends s. 11.45, F.S., conforming provisions relating to charter schools.
- Section 8. Amends s. 1003.05, F.S., removing charter school reference from assistance to transitioning students from military families.
- Section 9. Amends s. 1012.74, F.S., requiring educator professional liability insurance to cover charter school personnel.
- Section 10. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOE is required to staff the Charter School Review Panel and to create a uniform on-line accountability report for charter schools, and a standard charter format and charter renewal format. The estimated administrative costs of these requirements are indeterminate at this time.

The bill provides for food service eligibility and reporting duties so that the school lunch services under the federal lunch program are provided by the school district to the charter school at the school's request. The additional cost to school districts to provide these services are indeterminate but believed to be small.

The bill requires school districts to annually provide as part of their 5 year workplan the number of existing vacant classrooms in each school that the district does not project will be needed for the following year. The DOE may recommend that the district make such space available to an appropriate charter school. It is likely that a charter school agreement to use excess classrooms would result in the district recovering additional costs associated with the use of the classrooms. Additional costs to the district, if any, are indeterminate but believed to be small.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

This bill does not create any rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On Tuesday April 11, 2006, the Education Appropriations Committee adopted four amendments and reported the bill favorably as amended. The amendments did the following:

Amendment 1 – Deletes a revision that would have allowed lab schools to earn student transportation funding.

Amendment 2 – Deletes a revision to charter school capital outlay funding.

Amendment 3 – Requires school districts to annually provide as part of their 5 year workplan the number of existing vacant classrooms in each school that the district does not project will be needed for the following school year. The DOE may recommend that the district make such space available to an appropriate charter school.

Amendment 4 – Deletes a revision that would have required districts to provide charter schools exceptional student education evaluation services.

This analysis is drawn to the bill as amended.

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CHAMBER ACTION

The Education Appropriations Committee recommends the following:

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Council/Committee Substitute

Remove the entire bill and insert:

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A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing Page 1 of 59

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for probation and corrective actions; revising provisions relating to payment and reimbursement to a charter school by a school district and authorizing the withholding of lottery funds under certain circumstances; authorizing the State Board of Education to impose a fine on or withhold lottery funds from a school district for certain violations; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; authorizing the department to recommend that school districts make certain space available to charter schools; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.;

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conforming provisions; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1012.74, F.S.; providing that educator professional liability insurance shall cover charter school personnel; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.--

- (1) AUTHORIZATION.--Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it has been approved under this section.
 - (2) GUIDING PRINCIPLES; PURPOSE. --
- (a) Charter schools in Florida shall be guided by the following principles:
- 1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
- 2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

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3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

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- (b) Charter schools shall fulfill the following purposes:
- 1. Improve student learning and academic achievement.
- 2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
- 3. Create new professional opportunities for teachers, including ownership of the learning program at the school site.
 - 3.4. Encourage the use of innovative learning methods.
 - 4.5. Require the measurement of learning outcomes.
 - (c) Charter schools may fulfill the following purposes:
 - 1. Create innovative measurement tools.
- 2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
 - 3. Expand the capacity of the public school system.
- 4. Mitigate the educational impact created by the development of new residential dwelling units.
- 5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.
 - (3) APPLICATION FOR CHARTER STATUS. --
- (a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

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(b) An application for a conversion charter school shall be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert., including A public schoolwithin-a-school that is designated as a school by the district school board may also submit an application to convert to charter status. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 30 days after the meeting at which the district school board denied the application. The notice must articulate in writing specify the specific exact reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

(4) UNLAWFUL REPRISAL. --

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(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in

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this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

- Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an employee may file a complaint with the Department of Education.
- Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.
- If the Department of Education determines that the complaint demonstrates reasonable cause to suspect that an

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unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.

- 4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.
- 5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.
- 6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial Page 7 of 59

persons. Upon hearing the complaint, the panel shall make
findings of fact and conclusions of law for a final decision by
the Department of Education.

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- It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.
- (b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:
- 1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.
- 2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.
- 3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.
- 4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.
- 5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.
- 6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action was not

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made in bad faith or for a wrongful purpose, and did not occur
after a district school board's initiation of a personnel action
against the employee that includes documentation of the
employee's violation of a disciplinary standard or performance
deficiency.

(5) SPONSOR; DUTIES. --

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- (a) Sponsoring entities .--
- 1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
 - 2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.
 - (b) Sponsor duties .--
- 1. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.
- 2. The sponsor shall monitor the revenues and expenditures of the charter school.
- 3. The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds capital.
- 4. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.

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5. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

- 6. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.
- 7. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

A community college may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the community college on the charter application. Community college applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(6) APPLICATION PROCESS AND REVIEW.--Charter school

Beginning September 1, 2003, applications are subject to the following requirements:

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(a) A person or entity wishing to open a charter school shall prepare an application that:

- 1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- 2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- 3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- 4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- 5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- (b) A district school board shall receive and review all applications for a charter school. Beginning with the 2007-2008

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school year, a district school board shall receive and consider charter school applications received on or before August September 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

- 1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.
- 2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

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approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons for based upon good cause supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education supporting those reasons.

- 4. For budget projection purposes, the district school board or other sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.
- 5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the sponsor district school board allows a waiver of this provision for good cause.
- (c) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Page 13 of 59

355 Board of Education no later than 30 calendar days after receipt 356 of the district school board's decision or failure to act and 357 shall notify the district school board of its appeal. Any 358 response of the district school board shall be submitted to the 359 State Board of Education within 30 calendar days after 360 notification of the appeal. Upon receipt of notification from 361 the State Board of Education that a charter school applicant is 362 filing an appeal, the Commissioner of Education shall convene a 363 meeting of the Charter School Appeal Commission to study and 364 make recommendations to the State Board of Education regarding 365 its pending decision about the appeal. The commission shall 366 forward its recommendation to the state board no later than 7 367 calendar days prior to the date on which the appeal is to be 368 heard. The State Board of Education shall by majority vote 369 accept or reject the decision of the district school board no 370 later than 90 calendar days after an appeal is filed in 371 accordance with State Board of Education rule. The Charter 372 School Appeal Commission may reject an appeal submission for 373 failure to comply with procedural rules governing the appeals 374 process. The rejection shall describe the submission errors. The 375 appellant may have up to 15 calendar days from notice of 376 rejection to resubmit an appeal that meets requirements of State 377 Board of Education rule. An application for appeal submitted 378 subsequent to such rejection shall be considered timely if the 379 original appeal was filed within 30 calendar days after receipt 380 of notice of the specific reasons for the district school 381 board's denial of the charter application. The State Board of 382 Education shall remand the application to the district school

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board with its written decision that the district school board approve or deny the application. The district school board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

- (d) The district school board shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal.
- (e)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors, or whose disputes over contract negotiations have not been resolved through mediation.
- 2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is Page 15 of 59

not bound by the recommendation. The decision of the Charter

School Appeal Commission is not subject to the provisions of the

Administrative Procedure Act, chapter 120.

- 3. The commissioner shall appoint the members of the Charter School Appeal Commission. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. One-half of the members must represent currently operating charter schools, and one-half of the members must represent school districts. The commissioner or a named designee shall chair the Charter School Appeal Commission.
- 4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.
- 5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state Page 16 of 59

board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

- training and technical assistance to charter school applicants in developing business plans and estimating costs and income.

 This assistance shall address estimating startup costs, projecting enrollment, and identifying the types and amounts of state and federal financial assistance the charter school will be eligible to receive. The department of Education may provide other technical assistance to an applicant upon written request.
- (g) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.
- (h) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 60 days to provide an initial proposed charter contract to the charter school and 75 days thereafter to

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467 negotiate the contract and 6 months in which to mutually agree 468 to the provisions of the final charter contract. The proposed 469 charter shall be provided to the charter school at least 7 470 calendar days prior to the date on which the charter is 471 scheduled to be heard by the sponsor. The Department of 472 Education shall provide mediation services for any dispute 473 regarding this section subsequent to the approval of a charter 474 application and for any dispute relating to the approved 475 charter, except disputes regarding charter school application 476 denials. If the Commissioner of Education determines that the 477 dispute cannot be settled through mediation, the dispute may be 478 appealed to an administrative law judge appointed by the 479 Division of Administrative Hearings. The administrative law 480 judge may rule on issues of equitable treatment of the charter 481 school as a public school, whether proposed provisions of the 482 charter violate the intended flexibility granted charter schools 483 by statute, or on any other matter regarding this section except 484 a charter school application denial, a charter termination, or a 485 charter nonrenewal and shall award the prevailing party 486 reasonable attorney's fees and costs incurred to be paid by the 487 losing party. The costs of the administrative hearing shall be 488 paid by the party whom the administrative law judge rules 489 against.

(7) CHARTER.--The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

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CODING: Words stricken are deletions; words underlined are additions.

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(a) The charter shall address, and criteria for approval of the charter shall be based on:

- 1. The school's mission, the students to be served, and the ages and grades to be included.
- 2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically based reading research.
- 3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description for each of the following:
- a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
- b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

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c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

- 4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. Included in the methods is a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.
- 5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.43.
- 6. A method for resolving conflicts between the governing body of the charter school and the sponsor.
- 7. The admissions procedures and dismissal procedures, including the school's code of student conduct.
- 8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or

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within the racial/ethnic range of other public schools in the same school district.

- 9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.
- 10. The asset and liability projections required in the application which are incorporated into the charter and which shall be compared with information provided in the annual report of the charter school. The charter shall ensure that, if a charter school internal audit or annual financial audit reveals a state of financial emergency as defined in s. 218.503 or deficit financial position, the auditors are required to notify the charter school governing board, the sponsor, and the Department of Education. The internal auditor shall report such findings in the form of an exit interview to the principal or the principal administrator of the charter school and the chair of the governing board within 7 working days after finding the state of financial emergency or deficit position. A final report shall be provided to the entire governing board, the sponsor,

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and the Department of Education within 14 working days after the exit interview. When a charter school is in a state of financial emergency, the charter school shall file a detailed financial recovery plan with the sponsor. The department, with the involvement of both sponsors and charter schools, shall establish guidelines for developing such plans.

- 11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.
- 12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school

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construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year 10-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (8).

- 13. The facilities to be used and their location.
- 14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.
- 15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).
- 16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.
- 17. In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except

as authorized by the employment policies of the state university which grants the charter to the lab school.

- (b) 1. A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.
- 2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).
- (c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.
 - (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER. --
- (a) At the end of the term of a charter, The sponsor may choose not to renew or may terminate the charter for any of the following grounds:

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1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

- 2. Failure to meet generally accepted standards of fiscal management.
 - 3. Violation of law.

- 4. <u>Determination by the sponsor that the health, safety,</u> or welfare of the students is threatened Other good cause shown.
- 5. Material breach or repeated violations of the terms of the charter.
- (b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).
- (b) (c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (6).
- (c) If a charter is not renewed or is terminated pursuant to paragraph (b), the sponsor shall, within 10 calendar days,

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articulate in writing the specific reasons for its nonrenewal or termination of the charter and must provide the letter of nonrenewal or termination and documentation supporting the reasons to the charter school governing body, the charter school principal, and the Department of Education. The charter school's governing body may, within 30 calendar days after receiving the sponsor's final written decision to refuse to renew or to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

- (d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The sponsor shall notify in writing the charter school's governing body, the charter school principal, and the department if a charter is immediately terminated. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 30 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).
- (e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert Page 26 of 59

716 to the sponsor district school board. Capital outlay funds 717 provided pursuant to s. 1013.62 and federal charter school 718 program grant funds that are unencumbered shall revert to the 719 department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise 720 721 terminated, all district school board property and improvements, 722 furnishings, and equipment purchased with public funds shall 723 automatically revert to full ownership by the district school 724 board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter 725 726 school, district school board property and improvements, 727 furnishings, and equipment purchased with public funds, or 728 financial or other records pertaining to the charter school, in 729 the possession of any person, entity, or holding company, other 730 than the charter school, shall be held in trust upon the 731 district school board's request, until any appeal status is 732 resolved.

- (f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.
- (g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be

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enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(9) CHARTER SCHOOL REQUIREMENTS. --

- (a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.
 - (b) A charter school shall admit students as provided in subsection (10).
 - (c) A charter school shall be accountable to its sponsor for performance as provided in subsection (7).
 - (d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).
 - (e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.
 - (f) A charter school shall not violate the antidiscrimination provisions of s. 1000.05.
 - (g) A charter school shall provide for an annual financial audit in accordance with s. 218.39. Financial audits that reveal a state of financial emergency as defined in s. 218.503 and are conducted by a certified public accountant or auditor in accordance with s. 218.39 shall be provided to the governing body of the charter school within 7 working days after finding that a state of financial emergency exists. When a charter school is found to be in a state of financial emergency by a certified public accountant or auditor, the charter school must

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file a detailed financial recovery plan with the sponsor within

771 30 days after receipt of the audit.

(h) No organization shall hold more than 15 charters statewide.

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- (i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:
- 1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or
- 2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools <u>shall</u> are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s.

1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but

must reformat this information for reporting according to this paragraph.

(j) The governing board of the charter school shall

(j) The governing board of the charter school shall annually adopt and maintain an operating budget.

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(k) The governing body of the charter school shall exercise continuing oversight over charter school operations.

- (1) The governing body of the charter school shall be responsible for:
- 1. Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, pursuant to paragraph (g), who shall submit the report to the governing body.
- 2. Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.
- 3. Monitoring a financial recovery plan in order to ensure compliance.

(m)(1) The governing body of the charter school shall report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports. The Department of Education shall develop a uniform, on-line annual accountability report to be completed by charter schools. This report shall be easy to utilize and contain demographic information, student performance data, and financial accountability information. A charter school shall not be required to provide information and data that is duplicative and already in the possession of the department. The Department of Education shall include in its compilation a notation if a school failed to file its report by the deadline established by the department. The report shall include at least the following components:

1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by ss. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.

- 2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the ability to meet financial obligations and timely repayment of debt.
- 3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.
- 4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.
- $\underline{\text{(n)}}$ (m) A charter school shall not levy taxes or issue bonds secured by tax revenues.
- $\underline{\text{(o)}}$ (n) A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.
- (p) The director and a representative of the governing body of a charter school that has received a school grade of "D"

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under s. 1008.34(2) shall appear before the sponsor or the sponsor's staff at least once a year to present information concerning each contract component having noted deficiencies. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

- (q) Upon notification that a charter school receives a school grade of "D" for 2 consecutive years or a school grade of "F" under s. 1008.34(2), the charter school sponsor or the sponsor's staff shall require the director and a representative of the governing body to submit to the sponsor for approval a school improvement plan to raise student achievement and to implement the plan. The sponsor has the authority to approve a school improvement plan that the charter school will implement in the following school year. The Department of Education shall offer technical assistance and training to the charter school and its governing body and establish guidelines for developing, submitting, and approving such plans.
- 1. If the charter school fails to improve its student performance from the year immediately prior to the implementation of the school improvement plan, the sponsor shall place the charter school on probation and shall require the charter school governing body to take one of the following corrective actions:
- a. Contract for the educational services of the charter school;
- b. Reorganize the school at the end of the school year

 under a new director or principal who is authorized to hire new

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881 staff and implement a plan that addresses the causes of
882 inadequate progress; or

c. Reconstitute the charter school.

- 2. A charter school that is placed on probation shall continue the corrective actions required under subparagraph 1. until the charter school improves its student performance from the year prior to the implementation of the school improvement plan.
- 3. Notwithstanding any provision of this paragraph, the sponsor may terminate the charter at any time pursuant to the provisions of subsection (8).
- (r) The director and a representative of the governing body of a graded charter school that has submitted a school improvement plan or has been placed on probation under paragraph (q) shall appear before the sponsor or the sponsor's staff at least once a year to present information regarding the corrective strategies that are being implemented by the school pursuant to the school improvement plan. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.
 - (10) ELIGIBLE STUDENTS. --
- (a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the

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charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause.

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- (b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.
- (c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school.
- (d) A charter school may give enrollment preference to the following student populations:
- 1. Students who are siblings of a student enrolled in the charter school.
- 2. Students who are the children of a member of the governing board of the charter school.
 - 3. Students who are the children of an employee of the charter school.
 - (e) A charter school may limit the enrollment process only to target the following student populations:
 - 1. Students within specific age groups or grade levels.
 - 2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

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3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

- 4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.
- 5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.
- 6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- (f) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(g) A student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule.

- (h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.
- (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.--A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).
 - (12) EMPLOYEES OF CHARTER SCHOOLS. --

- (a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.
- (b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.
- (c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.
- (d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own.

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Under this arrangement, the teachers would not be public employees.

- (e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.
- (f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 1012. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 1012, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child

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welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

- (g) A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32.
- (h) For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.
- (i) A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.
- (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following Page 38 of 59

services: charter school planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

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- CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED .-- Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a school district shall indemnify the state and the school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the school district shall not be pledged and no debts shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a district school board pursuant to this section.
- (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.--
- (a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs for educational facilities construction, the Legislature intends to Page 39 of 59

encourage the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status.

- (b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.
- (c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the district school board, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem

taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

- (d) As used in this subsection, the terms "business partner" or "municipality" may include more than one business or municipality to form a charter school-in-the-workplace or charter school-in-a-municipality.
 - (16) EXEMPTION FROM STATUTES.--

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- (a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1109 1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:
- 1. Those statutes specifically applying to charter schools, including this section.
- 2. Those statutes pertaining to the student assessment program and school grading system.
- 3. Those statutes pertaining to the provision of services to students with disabilities.
- 1117 4. Those statutes pertaining to civil rights, including s.
 1118 1000.05, relating to discrimination.
- 5. Those statutes pertaining to student health, safety, and welfare.
- (b) Additionally, a charter school shall be in compliance with the following statutes:
- 1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
 - 2. Chapter 119, relating to public records.
- 1126 (17) FUNDING.--Students enrolled in a charter school,

 1127 regardless of the sponsorship, shall be funded as if they are in

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a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

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- (a) Each charter school shall report its student enrollment to the district school board as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The district school board shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.
- The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to Page 42 of 59

reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

- services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.
- ensure that charter schools receive timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant Page 43 of 59

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for payment is not issued within 10 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 5 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days 30 day period until such time as the warrant is issued. The Commissioner of Education is authorized to withhold lottery funds from school districts that repeatedly fail to make timely payments and reimbursements.

The State Board of Education is authorized to impose a fine on or withhold lottery funds from a school district for any violation of the procedural requirements for charter school application, termination, or nonrenewal appeals regardless of whether the violation affects the fairness of the appeal process or the correctness of the action taken by the school district. Prior to the imposition of a fine or the withholding of lottery funds under this paragraph, the State Board of Education shall provide the school district with notice of the amount of the proposed fine or lottery funds to be withheld and an opportunity to be heard at a subsequent meeting of the State Board of Education. The funds collected for fines under this paragraph shall be taken from the school district's administrative fee under paragraph (20)(a) and disbursed to the prevailing charter school appellant under this section or, if the charter school appellant's appeal is denied, in equal amounts to each of the charter schools within the school district. The imposition of a fine under this paragraph shall not exceed \$10,000 and is a

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final action subject to judicial review in the district court of appeals.

(18) FACILITIES.--

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- A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities, provided that the school district and the charter school have entered into a mutual management plan with sufficient funding from the school district to comply with the State Requirements for Educational Facilities. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose local building requirements or restrictions that are more stringent than those found in the Florida Building Code. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy shall be the local municipality or, if in an unincorporated area, the county governing authority.
- (b) A charter school shall utilize facilities that comply with the Florida Fire Prevention Code, pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).
- (c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor Page 45 of 59

and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

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- (d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80, fees and for building and occupational licenses, and from assessments of impact fees or service availability fees.
- If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

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1268	(f) To the extent that charter school facilities are
1269	specifically created to mitigate the educational impact created
1270	by the development of new residential dwelling units, pursuant
1271	to subparagraph (2)(c)4., some of or all of the educational
1272	impact fees required to be paid in connection with the new
1273	residential dwelling units may be designated instead for the
1274	construction of the charter school facilities that will mitigate
1275	the student station impact. Such facilities shall be built to
1276	the State Requirements for Educational Facilities and shall be
1277	owned by a public or nonprofit entity. The local school district
1278	retains the right to monitor and inspect such facilities to
1279	ensure compliance with the State Requirements for Educational
1280	Facilities. If a facility ceases to be used for public
1281	educational purposes, either the facility shall revert to the
1282	school district subject to any debt owed on the facility, or the
1283	owner of the facility shall have the option to refund all
1284	educational impact fees utilized for the facility to the school
1285	district. The district and the owner of the facility may
1286	contractually agree to another arrangement for the facilities if
1287	the facilities cease to be used for educational purposes. The
1288	owner of property planned or approved for new residential
1289	dwelling units and the entity levying educational impact fees
1290	shall enter into an agreement that designates the educational
1291	impact fees that will be allocated for the charter school
1292	student stations and that ensures the timely construction of the
1293	charter school student stations concurrent with the expected
1294	occupancy of the residential units. The application for use of
1295	educational impact fees shall include an approved charter school Page 47 of 59

application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

- (g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year. The department may recommend that a district make such space available to an appropriate charter school.
- (19) CAPITAL OUTLAY FUNDING. -- Charter schools are eligible for capital outlay funds pursuant to s. 1013.62.
 - (20) SERVICES.--

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the federal lunch program, consistent with the needs of the charter school, are provided by the school district at the request of the charter school; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to student information systems that are used by public schools Page 48 of 59

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1324	in the district in which the charter school is located. Student
1325	performance data for each student in a charter school,
1326	including, but not limited to, FCAT scores, standardized test
1327	scores, individual report cards, and student performance
1328	measures, shall be provided by the sponsor to a charter school
1329	in the same manner provided to other public schools in the
1330	district. A total administrative fee for the provision of such
1331	services shall be calculated based upon $\underline{ t up}$ to 5 percent of the
1332	available funds defined in paragraph (17)(b) for all students.
1333	However, a sponsor may only withhold $\underline{up\ to}$ a 5-percent
1334	administrative fee for enrollment for up to and including 500
1335	students. For charter schools with a population of 501 or more
1336	students, the difference between the total administrative fee
1337	calculation and the amount of the administrative fee withheld
1338	may only be used for capital outlay purposes specified in s.
1339	1013.62(2). Sponsors shall not charge charter schools any
1340	additional fees or surcharges for administrative and educational
1341	services in addition to the $\underline{\text{maximum}}$ 5-percent administrative fee
1342	withheld pursuant to this paragraph.
1343	(b) If goods and services are made available to the
1344	charter school through the contract with the school district,

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charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made for a dispute resolution hearing before the Charter

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School Appeal Commission. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

- (c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.
- Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format, charter format, and charter renewal format which shall include the information specified in subsection (7). These formats shall This application format may be used as guidelines by charter school sponsors chartering entities.
 - (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW .--
- (a) The Department of Education shall <u>staff and</u> regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and

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school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

- (b) The Legislature shall review the operation of charter schools during the 2010 2005 Regular Session of the Legislature.
- of the annual report required by paragraph (9) (m) (1), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).
- (24) RULEMAKING.--The Department of Education, after consultation with school districts and charter school directors, Page 51 of 59

shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

Section 2. Subsection (5) of section 218.39, Florida Statutes, is amended to read:

218.39 Annual financial audit reports.--

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(5) At the conclusion of the audit, the auditor shall discuss with the chair of each local governmental entity or the chair's designee, or with the elected official of each county agency or with the elected official's designee, or with the chair of the district school board or the chair's designee, or with the chair of the board of the charter school or the chair's designee, or with the chair of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity, or district school board, or charter school for which deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

Section 3. Section 218.50, Florida Statutes, is amended to read:

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1434	218.50 Short titleSections 218.50-218.504 may be cited
1435	as the "Local Governmental Entity, Charter School, and District
1436	School Board Financial Emergencies Act."
1437	Section 4. Section 218.501, Florida Statutes, is amended
1438	to read:
1439	218.501 PurposesThe purposes of ss. 218.50-218.504 are
1440	(1) To promote the fiscal responsibility of local
1441	governmental entities, charter schools, and district school
1442	boards.
1443	(2) To assist local governmental entities, charter
1444	schools, and district school boards in providing essential
1445	services without interruption and in meeting their financial
1446	obligations.
1447	(3) To assist local governmental entities, charter
1448	schools, and district school boards through the improvement of
1449	local financial management procedures.
1450	Section 5. Subsections (1) and (2) of section 218.503,
1451	Florida Statutes, are amended, a new subsection (4) is added,
1452	and subsections (4) and (5) of that section are renumbered as
1453	subsections (5) and (6), respectively, to read:
1454	218.503 Determination of financial emergency
1455	(1) Local governmental entities, charter schools, and
1456	district school boards shall be subject to review and oversight
1457	by the Governor, charter school sponsor, or the Commissioner of
1458	Education, as appropriate, when any one of the following
1459	conditions occurs:

(a) Failure within the same fiscal year in which due to

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pay short-term loans or failure to make bond debt service or

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other long-term debt payments when due, as a result of a lack of funds.

- (b) Failure to pay uncontested claims from creditors
 within 90 days after the claim is presented, as a result of a
 lack of funds.
- 1467 (c) Failure to transfer at the appropriate time, due to 1468 lack of funds:
 - 1. Taxes withheld on the income of employees; or
- 2. Employer and employee contributions for:
- 1471 a. Federal social security; or

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- b. Any pension, retirement, or benefit plan of an employee.
- (d) Failure for one pay period to pay, due to lack of funds:
 - 1. Wages and salaries owed to employees; or
 - 2. Retirement benefits owed to former employees.
 - (e) An unreserved or total fund balance or retained earnings deficit, or unrestricted or total net assets deficit, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, for which sufficient resources of the local governmental entity, as reported on the balance sheet or statement of net assets on the general purpose or fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include net assets that are not otherwise restricted by federal, state, or local laws, bond covenants, contractual agreements, or other legal constraints. Fixed or capital assets, the disposal of which would impair the ability of a local

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governmental entity to carry out its functions, are not considered resources available to cover reported deficits.

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- (2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee, a charter school shall notify the charter school sponsor and the Legislative Auditing Committee, and a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee, when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, or district school board. In addition, any state agency must, within 30 days after a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, or district school board, notify the Governor, charter school sponsor, or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.
- (4) Upon notification that one or more of the conditions in subsection (1) exist, the charter school sponsor or the sponsor's designee shall contact the charter school governing body to determine what actions have been taken by the charter school governing body to resolve the condition. The charter school sponsor has the authority to require and approve a financial recovery plan, to be prepared by the charter school governing body, prescribing actions that will cause the charter school to no longer be subject to this section. The Department

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of Education shall establish guidelines for developing such plans.

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- Section 6. Subsection (1) of section 218.504, Florida Statutes, is amended to read:
- 218.504 Cessation of state action.--The Governor or the
 Commissioner of Education, as appropriate, has the authority to
 terminate all state actions pursuant to ss. 218.50-218.504.
 Cessation of state action must not occur until the Governor or
 the Commissioner of Education, as appropriate, has determined
 that:
- 1527 (1) The local governmental entity, charter school, or 1528 district school board:
 - (a) Has established and is operating an effective financial accounting and reporting system.
 - (b) Has resolved the conditions outlined in s. 218.503(1). Section 7. Paragraph (e) of subsection (7) and subsection
- 1533 (8) of section 11.45, Florida Statutes, are amended to read:
- 1534 11.45 Definitions; duties; authorities; reports; rules.--
- 1535 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--
 - (e) The Auditor General shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee of any audit report reviewed by the Auditor General pursuant to paragraph (b) which contains a statement that a local governmental entity, charter school, or district school board has met one or more of the conditions specified in s. 218.503. If the Auditor General requests a clarification regarding information included in an audit report to determine whether a local governmental entity, charter school, or district

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CODING: Words stricken are deletions; words underlined are additions.

school board has met one or more of the conditions specified in s. 218.503, the requested clarification must be provided within 45 days after the date of the request. If the local governmental entity, charter school, or district school board does not comply with the Auditor General's request, the Auditor General shall notify the Legislative Auditing Committee. If, after obtaining the requested clarification, the Auditor General determines that the local governmental entity, charter school, or district school board has met one or more of the conditions specified in s. 218.503, he or she shall notify the Governor or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for audits of local governmental entities, charter schools, and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Governmental Entity, Charter School, and District School Board Financial Emergencies Act as stated in s. 218.501.

Section 8. Subsection (3) of section 1003.05, Florida Statutes, is amended to read:

1570 1003.05 Assistance to transitioning students from military
1571 families.--

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15/2	(3) Dependent children of active duty military personnel
1573	who otherwise meet the eligibility criteria for special academic
1574	programs offered through public schools shall be given first
1575	preference for admission to such programs even if the program is
1576	being offered through a public school other than the school to
1577	which the student would generally be assigned and the school at
1578	which the program is being offered has reached its maximum
1579	enrollment. If such a program is offered through a public school
1580	other than the school to which the student would generally be
1581	assigned, the parent or guardian of the student must assume
1582	responsibility for transporting the student to that school. For
1583	purposes of this subsection, special academic programs include
1584	charter schools, magnet schools, advanced studies programs,
1585	advanced placement, dual enrollment, and International
1586	Baccalaureate.
1587	Section 9. Effective July 1, 2007, subsection (2) of
1588	section 1012.74, Florida Statutes, is amended to read:
1589	1012.74 Florida educators professional liability insurance
1590	protection
1591	(2)(a) Educator professional liability coverage for all
1592	instructional personnel, including charter school instructional
1593	personnel, as defined by s. 1012.01(2), who are full-time
1594	personnel, as defined by the district school board policy, shall
1595	be provided by specific appropriations under the General
1596	Appropriations Act.
1597	(b) Educator professional liability coverage shall be
1598	extended at cost to all instructional personnel, including

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charter school instructional personnel, as defined by s.

CODING: Words stricken are deletions; words underlined are additions.

1600 1012.01(2), who are part-time personnel, as defined by the 1601 district school board policy, and choose to participate in the 1602 state-provided program.

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(c) Educator professional liability coverage shall be extended at cost to all administrative personnel, <u>including</u> administrative personnel in charter schools, as defined by s. 1012.01(3), who choose to participate in the state-provided program.

Section 10. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 01

Bill No. **HB 7103**

COUNCIL/COMMITTEE ACTION ADOPTED __ (Y/N) ADOPTED AS AMENDED __ (Y/N) ADOPTED W/O OBJECTION __ (Y/N) FAILED TO ADOPT __ (Y/N)

Council/Committee hearing bill: Education Appropriations

__ (Y/N)

Council/Committee hearing bill: Education Appropriations Representative(s) Stargel offered the following:

Amendment

WITHDRAWN

OTHER

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Remove line 464-471 and insert:

flexibility to meet educational goals. The applicant and sponsor shall have 60 days to provide an initial proposed charter contract to the charter school. The applicant and the sponsor shall have 75 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension 6 months in which to mutually agree to the provisions of the charter. The proposed charter contract shall be provided to the charter school at least 7 calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The

Amendment No. 02

	Bill No. HB 7103
	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N)
	ADOPTED W/O OBJECTION (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Education Council
2	Representative(s) Stargel offered the following:
3	
4	Amendment
5	Remove line 867 and insert:
6	in the following school year. The sponsor may also consider the
7	State Board of Education's recommended action pursuant to s.
8	1008.33(1) as part of the school improvement plan. The
9	Department of Education shall

Amendment No. 03

Bill No. **HB 7103**

COUNCIL/COMMITTEE ACTION

ADOPTED ____ (Y/N)
ADOPTED AS AMENDED ____ (Y/N)
ADOPTED W/O OBJECTION ____ (Y/N)
FAILED TO ADOPT ____ (Y/N)
WITHDRAWN ____ (Y/N)
OTHER

Council/Committee hearing bill: Education Council Representative(s) Stargel offered the following:

Amendment

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Remove lines 1218-1224 and insert:

Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational

Facilities, provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to prioritize funding in the same manner as provided to district schools for necessary improvements and that the charter school maintain the facility according to State Requirements for Educational Facilities. Charter schools, with the exception of conversion charter schools, are not

Amendment No. 04

							BITT	No.	нв	7103
	COUNCIL/COMMITTEE	ACTIO	<u>N</u>							
	ADOPTED		(Y/N)							
	ADOPTED AS AMENDED	_	(Y/N)							
	ADOPTED W/O OBJECTION	•	(Y/N)							
	FAILED TO ADOPT		(Y/N)							
	WITHDRAWN	****	(Y/N)							
	OTHER									-
	· · · · · · · · · · · · · · · · · · ·									
1	Council/Committee heari	ing bi	11:	Educa	tion	Appr	opria	tion	s	
2	Representative(s) Sta	argel	offe	ered t	he fo	llow	ing:			
3										
4	Amendment									
5	Remove line 772-77	73								

Amendment No. 05

Bill No. **HB 7103**

COUNCIL/COMMITTEE ACTION

ADOPTED ____ (Y/N)
ADOPTED AS AMENDED ____ (Y/N)
ADOPTED W/O OBJECTION ____ (Y/N)
FAILED TO ADOPT ____ (Y/N)
WITHDRAWN ____ (Y/N)
OTHER

Council/Committee hearing bill: Education Appropriations
Representative(s) Stargel offered the following:

Amendment

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Remove line 911 and insert:

based on good cause <u>or when the charter contract indicates the charter school's intention to serve students that reside in another district within a reasonable distance of the school, provided that the district in which the student resides agrees to the transfer.</u>

Amendment No. 06

Bill	$N \cap$	HB	7103
-			,

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y/N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	<u></u>

Council/Committee hearing bill: Education Appropriations
Representative(s) Stargel offered the following:

Amendment

Remove lines 918-920 and insert:

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. The district school board shall consult and negotiate with the conversion charter school every five years to determine whether realignment of the conversion charter school's attendance zone is appropriate in order to ensure that students residing closest to the charter school are provided with an enrollment preference.

Amendment No. 07

İ				Bill	No.	HB	7103	
	COUNCIL/COMMITTEE	ACTION						
	ADOPTED	(Y/N)						
	ADOPTED AS AMENDED	(Y/N)						
	ADOPTED W/O OBJECTION	(Y/N)						
	FAILED TO ADOPT	(Y/N)						
	WITHDRAWN	(Y/N)						
	OTHER							
1	Council/Committee heari	ng bill:	Education A	ppropria	ation	.S		
2	Representative(s) Sta	rgel offe	ered the fol	lowing:				
3								
4	Amendment							
5	Remove lines 666-6	69 and inse	ert:					
6	4. Other good caus	e shown.						

Amendment No. 08

					Bill	No.	HB	7103
	COUNCIL/COMMITTEE AC	CTION						
	ADOPTED	(Y/N	1)					
	ADOPTED AS AMENDED	(Y/N	1)					
	ADOPTED W/O OBJECTION	(Y/N	1)					
	FAILED TO ADOPT	(Y/N	1)					
	WITHDRAWN	(Y/N	1)					
	OTHER							
					· · · · · · · · · · · · · · · · · · ·			
1	Council/Committee hearing	g bill:	Educat	ion App:	ropri	ation	s	
2	Representative(s) Starg	gel of	fered th	e follo	wing:			
3								
4	Amendment							
5	Remove line 698 and	insert:						
6	determines that good	d cause	has been	shown o	or if	the :	heal	th,